

GOA

VOL. II

gaunkari

THE OLD VILLAGE ASSOCIATIONS

RUI GOMES PEREIRA

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Vol. II

GAUNKARI

(The old village associations)

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To the cherished memory of the Elder of the Family

Custodio Vicente Gomes Pereira

To my dear

Herminia,

Lila – Caetano,

Tuan, Alu

and Karen

To my fond grandchildren

Raquel Natacha, Manuel Roy & Lara

PREFACE

Pitch darkness envelopes a long stretch of the History of the Village Associations. I would say what Prayag said somewhere: "If there was a student like Indra (the Lord of Gods) and a teacher like Brihaspati (the Guru of Gods), and if a day was equal to a thousand years, even then the full knowledge of that period would not be possible".

Much earlier than the period of Guptas those associations must have existed, since during the Empire of Samrat Chandragupta, according to the statement of Dr. Satyaketu Vidyalkar, every village was absolutely free in all matters and had its own *Sabha* which debated matters relating to the village, framed rules and punished the offenders through regular trial and judgement.

The *Mandavollis* and the other documents referring to the Goan communities that had escaped from the voracity of the time and of moths, vanished in the bon-fires of the Inquisition in the St. Lazarus Square and under the ruins of the Hindu Temples wrecked by the Missionaries, plunging into darkness the History of the communities of the pre-Portuguese period. There only remained what came down through oral tradition and the customs that the *Gaunkars* maintained.

Twentysix years after the conquest of Goa by the Portuguese, Afonso Mexia co-ordinated those usages and the popular versions in his *Feral*.

In the 19th century, Felipe Nery Xavier and Cunha Rivara, in seeking to study the structure of the communities put their shoulders to the task of unearthing and giving publicity to their *nems*, to *Cartas Regias*, *Alvaras*, *Provisoes* and other documents that were consigned to limbo in the archives of the Government Secretariat. Felipe Nery brought them together in his two reportoirs "*Bosquejo Historico das Comunidades das Velhas Conquistas*" and "*Colecao das Leis Peculiares das Comunidades*" and Cunha Rivara in his "*Arquivo Portugues Oriental*".

Later on, when the *kunkars* claimed rights equal to those of *Gaunkars*, the leaders of the two groups in opposition published many other documents and theses on the controverted matter. The "*Defensa das Gaunkarias*" of Felipe Nery Xavier, "*O Triunfo da Verdade*" of Catao da Costa, "*Brados a Favor das Comunidades*"

of Cunha Rivara, "*Meu Voto*" of Francisco Luis Gomes and "*As Comunidades Indianas*" of Teixeira de Guimaraes are the most important books of that period.

A few years later, Jose Maria de Sa brought out his "*Projecto do Codigo das Comunidades*" profusely annotated and Almeida Azevedo wrote his book "*As Comunidades de Goa*" with a great deal of valuable information on the communities of Novas Conquistas, hitherto glossed over by historians who had preceded him.

In the first half of the 20th century, abundant literature was produced on the juridical and economic aspects of the village communities, but the contribution of the writers of this period to their History was very modest.

After this pause, Gomes Pereira presents us with this valuable work of research wherein he analyses the more important aspects of the village communities of both Velhas and Novas Conquistas.

He, besides furnishing in this book innumerable source-material for the reconstitution of the structure of the communities, stresses the great potentiality that they hold and the attitude of the people towards them, clarifying what they have been and the basic principles for their reform.

In view of the great analogy which the communities of Goa have with other old village associations, both national and foreign historians, in ever increasing numbers, seek in Goa data that may enable them to trace the affinity among the people and of their civilisation. This book will immensely contribute towards lightening their research work.

I devoted the best of my time to the study of the communities and as *Administrador das Comunidades*, member of the *Conselho Legislativo* and *Conselho do Governo* and member of various committees appointed by the Government for agrarian reform, prior to and after the independence of this territory, I had at hand several documents and historical data. Notwithstanding this, with much pleasure and no less surprise, I found in this book to which I am writing the preface, several facts that never have seen the light of the day. A work of this stature demands much energy and a great deal of patience, being as it is, a minute study of the structure of the communities at the time of the conquest of Goa by Portuguese and their evolution through four and a half subsequent centuries.

This work as the other on Hindu Temples and Deities, bring much credit to the author, being a rich source of information and a

safe guide for historical research. The simplicity of expression, impartiality and absence of mere conjectures are their characteristics.

As desired by the author, I refrain from making personal references to him and to comment upon the policy of the popular Government of this territory. They are wholly unnecessary as his social work speaks highly for itself. Besides, all that I have to say about that policy, I have said through the local press.

Goa - Velha, 6th June, 1980

MAXIMO DE MENESES

INTRODUCTION

GAUM is village. *GAUNKAR* was its freeholder and *GAUNKARI* his associations, cooperatives, a small Republic. The Portuguese called them *COMUNIDADES*, because the *gaunkars* jointly held, administered and enjoyed the village lands. This word got into the vernacular language and it is by that name that those associations are commonly known. Hence they shall be referred to in this book as *COMMUNITIES*.

When the Portuguese conquered Goa, the communities were so well organized that they were impressed upon the conquerors as useful institutions with great and valuable potentiality. However, few years after the conquest they began to visibly decline. The economic depression, the intrusion by outsiders into the fold, the fleeing of the *gaunkars* brought about by religious persecutions, the days of uncertainty that followed and the insecurity, led to their downfall. Out of that struggle, they came out deformed and impaired, remaining only with their essential characteristics.

They suffered many a blow in their structure, sometimes hard and often brutal. The greatest of them all was that which deprived them of all their properties. By means of a legislative measure initiated recently the communities were dispossessed, divested of all their fields, coconut and cashew groves and their areca gardens which were in turn transferred to their tenants. Now they live their last days, the agonizing moments.

I do not wish to indulge in writing their obituary or analyse the economic aspects of that measure prompted by political motives. I do not offer any thesis either in favour or against the communities. Here I gather some historical information about those old village associations – information that will lead to the understanding of what they have been and how they evolved since the time the Portuguese set foot on the Tiswaddi Island in 1510 upto the date when they quit this Territory in 1961. This book will enable one to know their ancient structure, activities, system of possession of the village lands and those of administration, the successive changes in their structure as a result of the contact with the Western socio-economic, philosophic and legal concepts.

Various facts about communities were referred to in the first

volume of this book - "*Goa - Hindu Temples and Deities*. I shall not harp upon them again.

I preferred to split up this book in accordance with the aspects that are focussed here rather than enumerate each of the villages and give their individual information as done in my previous volume. The systematization now followed avoids constant fastidious repetition of what is common to many communities modelled in identical forms or what is applicable to a multiplicity of them. It also enables one to have an idea of the various aspects dealt with and the comparative study of the characteristics and all that has special bearing on each one of them.

My thanks go to all those who frankly threw open to me access to their private libraries and lent me old and rare books. This modest collection of facts is largely due to the help rendered by my good friends. In a special way I am obliged to Dr. ALBERTO NORONHA FERREIRA, LAMBERT MASCARENHAS, SHRIDHAR SHETT SHIRODKAR, and YVONE DA CUNHA.

Panaji, 9th June 1979.

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CHAPTER I

THE FIRST SETTLEMENTS

LEGEND has it that Parshurama shot an arrow from the Sahyadri range and ordered the sea to retreat to the point where the arrow had landed. The land mass thus created is Gomantak later known as Goa, which, when the first settlers arrived was a strip of 105 Kilometres in length by 60 in width; on the East the wall of the Sahyadri Ghats; on the West the deep ocean; numerous rivers crossing it transversally; on their banks, big deposits of silt brought about through centuries of erosion; huge marshy lands awaiting human hands to turn them fertile; overlooking the silvery waters the hills with exuberant greenery; vast deposits of forest produce, rich orchards; game and fish in abundance; the fountain waters chirping through the rocks; the climate humid and equable; the rains in a mathematically regular rhythm as though an intelligent power had ordained them so as to caressingly follow the gestation of paddy crops that would come to be the main cultivation.

Wherever the arrivals settled they successively established the *gaunkari*, occupying lands under the regime of joint ownership. This is how these small Republics came into being. They sprang up from the normal evolution of man on its onward journey from the savage state to that of civilization, in the long strip that extends from the Easternmost boundaries of China to

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the borders of Europe with the Atlantic Ocean, and wherever and whenever the first civilization blossomed.

The system of *tsing tiem* in the pre-Confucian China, the Indian *gaunkari*, the *bratskiyes* of the Mongols from the steppes of Kudinsk in upper Lena of Siberia, the *zadrugas* of the Slavs, the Serbs and the Bulgarians in Germany and in France, the Russian *mirs*, the *city states* of Greece, all arose out of the same associative impulse, out of the necessity which the primitive men felt for a body of mutual assistance and collective defence.

These institutions have several common characteristics in their basic aspects. All of them consist of agriculturists associated for agricultural purposes. They are aggregates of a plurality of families, generally descendants from a common trunk under the command of one or more leaders where the regime of ownership is one of absolute communion. They are perpetual associations wherein the male descendants of the founders become members by birth. At times, they arm themselves with legislative, executive and judicial powers.

Each of these institutions however has its own characteristics, so pronounced that gives it its own identity, influenced by philosophical, political and economic concepts of the respective people. Not even within the Indian sub-continent are the village associations entirely identical. Although they have more points in common with the Goan communities, each one of them reveals aspects much different from others, whether in regards to its internal organization, or in respect to the relationship of the members amongst themselves and towards the king or the State. In this mosaic of castes, races and creeds which India is, all of them have their own features in tune with the group to which they belong, and Goa, isolated from the rest of India through ages, with its doors open towards the West, had a constitution and evolution *sui generis* and very peculiar.

All the communities of Goa, without exception have a very limited number of *vangods*, that is family aggregates, descendants from common lineage. The largest of them all, was that of Verna of Salsete. It had forty eight *vangods*. A few have over twenty. The majority have fewer than ten.

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In the Velhas Conquistas (Ilhas, Bardez, and Salsete) this phenomenon could be attributed to their reorganization during the Portuguese domination but in the Novas Conquistas, where the previous condition remained unchanged, the same phenomenon is however, noticed since the communities of this region rarely have more than five *vangods*.

Some of the *vangods* might have vanished through the extinction of their members which happened even during the last centuries. In any case, their number could not have been much larger. Could the first occupants have entered in small groups and established themselves wherever the circumstances compelled them to break their adventurous journey? Could they, on the contrary, have, in massive groups, invaded the territory and then constituted small distinct and independent nucleus, distributing among themselves the villages?

Both these versions have been propounded but there is no evidence to prove which of them is correct. (1)

Were the communities groups of individuals, belonging to the same social class with common usages and customs? This is yet another question which has no answer.

Presently, in Goa, the communities are generally constituted of heterogeneous elements. In the same community are found *gaunkars* of different classes. At times each *vangod* has its own *Kull-Deva*. The community of Advalpale of Bicholim, for instance, is formed of four *vangods*. That of Kelbenkars has as *Kull-Deva* the Goddess Kelbai; that of Santerkars has its Santer Devi, that of Gadvounskars has its Gad-Vouns and lastly, the Kulkarnis Advalpalkars have the God Manguessa of Priol of Ponda. In several communities each *vangod* has also a *Kul Purusha* of its own. However, this in itself does not lead to conclude that this has always been the factual situation.

Many factors have compelled, as it will be seen later, the structural modification of the communities. In many of them one finds the Aryans, the Marathas, the Kunbis and other associates. It cannot be admitted in any manner that they all are descendants from their founders. These races did not settle in Goa simultaneously. Their immigrations are centuries apart.

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The founders of the communities did not certainly find obstacles other than their own limitations for the occupation of the lands. As the popular tradition goes, at that time they were no man's-land with no King or Master. Hence the arrivals seized enormous areas of thousands of hectares of land, generally demarcated by natural boundaries such as rivers, hills, permanent water drains and others. They placed them under the protection of their *Gram-Deva* and installed the *Mharus* at the boundaries for their defence (2).

There is no evidence of a community having sought to seize the lands of another, except when extinct. They enjoyed mutual respect, and consideration. Each of them owned more than what they could exploit and were self-sufficient. They did not covet what belonged to others and feared the reaction of neighbouring Gods and *Butgans*.

Thus, they held themselves confined to areas initially occupied by way of autonomous entities. The weakest or poorest of them fused themselves into one, thus constituting a *torof*. At times, they only established one common administration and sometimes they also put together all their belongings. It was a pledge for mutual defence and survival.

Centuries rolled by after the establishment. The villages were ravaged innumerable times which forced the inhabitants to abandon and flee from the pestilence and devastation to safe places and outside the range of the battlefield. When the danger was over, they however, returned to the same lands and re-established their village in the same mould and with the same limits. If those who had fled did not return, their descendants did. Kingdoms fell, and so did dynasties, the Kings succeeded one another, each with ones own political creed. The village remained absolutely indifferent to those changes, governed by the old customs, without appreciable change in their structural system. The villages that exist to-day, therefore, existed since the beginning just as they were demarcated at the time of their foundation.

There still exist in Goa isolated villages aloof from civilization, which continue in their primitive state, with no change whatsoever. One does not see a change in their style of dress-

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sing, their houses nor in their customs and usages. All this is so rudimentary, that these villages may not be different from those which were originally established.

Some other villages, in the Velhas Conquistas, although sufficiently evolved, still maintain some common characteristics with those that are backward, be it in regard to the criterion of utilization of land for cultivation and other purposes, or in respect of disposition of their dwelling houses, their Temples and other centres of common use. From the North to the South it is found among all the villages such uniformity and characteristics so alike or analogous, as though following directives from the one sole centre of planning.

The features observed today gives a picture of the general layout of the ancient villages, of the criterion followed by their first occupants in the utilization of lands and the fundamental characteristics of the settling down of those people.

A portrait in broad lines :

Along the banks of the rivers or more appropriately creeks, spread the paddy fields of the *kajan* and *ker* types. Large *bunds* (levees) protect them from the saline waters of the sea. They are silted lands brought under cultivation. These *bunds* open up to the inner rivulets by means of sluice gates, *Manos*, that allow salt water to enter as well as provide draining of the rain waters, besides fishing with funnel shaped nets.

The sandy and other lands are generally utilized for the plantation of coconut trees. The coconut is the second important component of the Goan diet, rice and curry being its staple food.

The lands irrigated by spring waters or currents of fresh water, are used as areca-groves (*kulagars*) which as a rule consist of three parts. The low land contains areca trees and other subsidiary cultivation such as banana-trees and spice plants. This is the irrigated zone. The overlooking zone *antoll* has fruit bearing trees of great bulk such as mango, jackfruit, coconut, *ontl* and other trees. Pineapples and bamboos are also grown there. The higher level and hilly zone is reserved for wild trees that yield wooden props for the village houses, wooden supports for various creepers and mainly foliage for manuring the areca trees. This zone is called *vissoll*.

Some *Kulagars* have their own spring for irrigation, while others receive waters from the reservoirs constructed by the communities for the use of the *gaunkars* and others. Centuries-old conventions regulate the utilization of its waters. Each *dando*, or plot of 100 areca-trees, normally receives water for one hour. While computing the time allotted, the distance between the reservoir and the *dando* to be irrigated and the index of absorption of water during its course is taken into consideration, and accordingly the time assigned to each bed is extended.

The non-irrigated lands have the same vegetation as the *antolls* of the *kulagars* and they are simultaneously meant for dwelling zones. The population is divided into wards; the main ward is that of *gaunkars* and is known as *Gaunkar Vaddo*. The serving class of the village have each their own ward according to their social class. They form a separate nucleus and do not mix up in their private relations.

The houses are generally of mud or of the branches of trees with a low thatch having one or two rooms, the flooring being of cowdung. The houses have only one door and a small opening on the wall, which simulates a window that hardly allows any air or rays of the sun to penetrate through.

Annexed to the houses are the sheds for the cattle and threshing grounds where the neighbours meet and dry the produce of the harvest. There are some common wells in the wards, places of common use, the crematorium, the *mandd* for popular festivals etc.

In a prominent place in the main ward is constructed the village Temple having innumerable subsidiaries around it. It is also a practice in some villages to have these subsidiaries spread out through the wards. In their vicinity there are sacred trees with small coloured banners and the sacred places such as *dazanacho zago*, *tarazanacho zago*, *chovato* and others, full of myths and superstitions.

On the hills, the cattle graze in zones especially reserved by the communities. At the foot spread out the *morods* for the cultivation of paddy crops and a little higher, the *borods* for the cultivation of leguminous plants and other vegetation of the rainy season. In the non utilized portion, lies the forest, the

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permanent deposit of building material, foliage for manure and lastly, a well-equipped pharmacy of medicinal herbs, fruits and roots.

The ancient villages, the small worlds which the first occupants raised, certainly could not have been much different from what we come across in those undeveloped lands, where we see, till now, men and women of dark and shiny complexion with rudimentary dresses, being governed by their century old customs and usages, slaves to superstition—the prototypes of those first occupants.

A *Sanad* of king Jayakeshi, the fifth of the Kadamba dynasty, incidentally makes it clear that there existed on the Konkarn coast, *gaunkari*, comprising sectarians of Brahma. This document filed in the records of the Secretariat of the Government is dated the 20th April, 1054 A.D. (3)

The documents and inscriptions hitherto discovered give no clues that may render it possible to locate the period of time of the foundation of Goan communities.

The discovery of various statues of the deities, spread through this Territory, allows us to conclude that already during very remote times, Goa had been inhabited. The oldest image upto now found and classified is of Mukhalinga of Sarmallfall which dates back to the first century of the Christian era. The Surya Narayana and Uma-Shiva of Kudnem, the Gajan Lakshmi of Kerim and the Brahma of Parshem belong to the VII century (4). The image of Buddha, discovered at Muchir of Colvale of Bardez, dates back, according to some archaeologists, to the second century A.D. Some ruins of Buddhist establishments of the Hinayam sect belonging to pre-Christian era are noticed at Lamgaum of Bicholim, near Priol of Ponda and at Rivona of Quepem taluka. The light stone implements found in the creek of Zuari, the arrowhead, awls, and scrappers of quartz of the same age found near Dabclim, the tools of later age consisting of blades, and scrappers made of silicious material found at Mopa and Kudnem, the polished stone axes of Neolithic period found at Ella area, take back the date of occupation of Goa very much earlier than the Christian Era.

Assuming that the communities were founded by the first

settlers, soon after their arrival, or that they were set up by those who founded the Temples for the said Deities, the communities should have existed before the Christian Era or in the early centuries of this Era. That is the most that can be ventured.

Much less is known as to who founded them. When the Portuguese seized this Territory, it was popular tradition that the first *gaunkars* hailed from Karwar, constructed *bunds*, cleared the jungle and brought the soil under cultivation and that thereafter came, in their wake, the Masters and Subjugators who imposed upon them the payment of tax in order to keep the former in possession of the properties brought under the plough by their ancestors. (5)

Could they have perhaps, descended the Ghats or invaded the Territory from the sea? Could they have belonged to pastoral tribes in search of pasture lands or seamen in search of a shelter, overtaken by some storm? Could they have fled from their original land, chased by warrior tribes or from the tyranny of the Rajas, or from the droughts that might have destroyed their crops or from the epidemic that might have decimated their people? War, oppression, calamities...all these probable causes of the occupation of this Territory are upto this day mere conjectures.

However, it is a generally admitted fact that the establishment of the communities is much prior to the entry of the Aryans and of the Marathas in Goa. Various factors already referred to in the first volume of this book, lead to the belief that they were founded by the *kunbis* also known as *gauddis*, *gaddis* or *zolmis*, who are regarded as the first settlers. Some communities founded by them are still in existence, as for instance those of Dincarpale, Telaulim, Dramapur and Sirlim, all in Salsete (6). There are also in the Novas Conquistas many communities with members of that class. A few are totally constituted of *zolmis* while several others also have the Brahmins or Marathas jointly.

Usually it is the *zolmis* who use the surname Gaunkar and have an almost exclusive right in certain villages of initiating the sowing operations in paddy fields belonging to others,

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preceded by performance of religious rites. By the force of old customs and usages, homage is paid to them once a year in many Temples and in private houses of the Brahmins, Kshatrias and Marathas, by serving lunch side by side with married couples of those classes. This is known as *devakaria*.

According to the *Manu Smiriti*, to dispossess a Sudra of his belongings was nothing evil or punishable. A Brahmin, as stated by that law-giver and spiritualist, may take possession of the goods of a Sudra, with perfect peace of mind. Since nothing at all belongs to this Sudra as his own, he is one whose property may be taken away by his Master (Chp. VIII, Verse 417). In spite of this law, the custom of *devakaria* was formed, and this does not have any other plausible explanation if not being an act of expiation for the sin of restitution of whatever had been unduly seized. Only a great scruple could have led the old timers to create that practice, as, the *Apastamba Darma Sutra* prescribed that if a Sudra comes as a guest to a Brahmin's house he shall give him some work to do and he may feed him only after that or the slaves of a Brahmin householder shall fetch rice from the Royal stores and honour the Sudra as a guest. (*Prasana* II, *Patala* 2, *Khanda* 4, *Sutras* 19 20). This procedure had to be followed because to feed him without demanding any service would mean honouring him.

The custom of paying homage to Sudra *zolmi*, besides violating this sacred law would clash against another principle held equally sacred which prohibited the entry of a Sudra in the circle of higher classes, mainly, at the time when the latter used to have their meals. The Brahmins and the Kshatrias submitted themselves to this act of humiliation not because of any religious commandment, but as a mere act of reparation of the evil committed against that class, depriving it of its lands and its rights.

In many Temples they enjoy the privileges of honour and preeminence on the occasion of certain ceremonies and religious rituals. (7)

These facts have special relevance as the same phenomenon had occurred in many villages of the Indian subcontinent, where some tribes were subjugated by stronger ones and forced them to abandon their lands and their rights. In spite of being

reduced to the lowest class in the society of conquerors, the vanquished maintained some of their ancient privileges of cult. The case of Mundas is one of them. That tribe, fleeing from their original villages, penetrated the dense forests of Ranchi, cleared the jungle and established its villages thereon. Isolated from others, some centuries of tranquility passed by, till such time as Uraons attacked that area and forced its inhabitants to flee. And the Mundas fled once more to new lands in order to begin life again. There remained behind some families perhaps detained by the conquerors and even to this day, it is seen that in the villages of Uraons they are the descendants of the Munda families who carry out the function of *pahan*, the village priest, enjoying the privileges inherent to that post according to the ancient customs of that tribe. The Uraons believe that only they can propitiate the Gods and local Spirits, as they are descendants from those who brought the lands under the plough and established the first villages.

Besides all that is referred to above, the common characteristics that exist among the communities of Goa and of the southern zone of the Indian sub-continent, in regard to their structure, administration and cultivation of the village lands, leads us to conclude that it is from those regions that the founders of the Goan communities came.

These are more or less clear clues, although not very safe ones, that gave rise to the above referred old version, which has thrown deep roots in people's mind and in that of the Portuguese rulers. Many historians support it. It was for that reason that *Kunbis* and other *Kurvaddies* were given preferential rights in the grant of lands in the Novas Conquistas. It is stated in the concerned *Decreto* that these rights were granted only because they were dispossessed of their lands and reduced to a miserable state. Rehabilitation was thus attempted and it was sought to restore a little out of the much that was snatched away from them (8).

An ever increasing number of historians however support a fresh trend which dates back to some decades. They propose to prove that in the first years of Christian era, if not earlier, some Aryans of the Gangetic plain and their servants moved towards the south, a part of them settled down in Goa,

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bringing along with them the system of village communities.

As the tradition goes, some Bengali Aryan families settled at Cortalim of Salcete, bearing the surname *Shenvi*. This is linked to the legend of the origin of Linga (God Manguesha) which was transferred from that village to Priol of Ponda.

These are the main propositions of their thesis:

— The Konkani language is more similar to the language and the dialects of Bengal, Bihar and Eastern U.P. than to those of the southern regions.

— The Goan people have many religious, somatic and cultural affinities with those of the Bengal region.

— There exist also great affinities between the systems of joint hindu family and of ownership followed in those northern regions and the system of Goan communities.

The first two propositions are hotly debated. As regards the third, the facts brought into focus are insufficient for the defence of that thesis because, between the various systems referred to as common to both the territories, there does not exist a single one that may be exclusively thereof. They were all in force in several other northern and southern regions of India. Moreover, the identity is not even perfect. Some aspects of those systems are similar, whereas others are totally different. Comparatively, in Goa the presence of systems typically dravidian is predominant.

CHAPTER II

"GAUNKARI" OR COMMUNITIES

THE first lands conquered by the Portuguese were those of Ilhas, Bardez and Salsete followed by others some years later. The first three were grouped together as "Velhas Conquistas" and the others as "Novas Conquistas".

The latter were found divided into ten Provinces or Talukas, namely :

—Ponda or Antruz, Astagrahar, Embarbarcem, Balli, Chandravaddi, Cacora, Canacona or Sinvasora or Advota, Bicholim or Batagram, Sanquelim or Satari and Pernem.

The Astagrahar, Embarbarcem, Balli, Chandravaddi provinces and Cacora formed the Zambaulim District or Panchmall.

In the subsequent administrative division, the first two constituted the Sanguem Taluka and the other three, that of Quepem. The Satari or Sanquelim Taluka, as it was known earlier, came to be called only Satari.

How many communities did each of those Talukas have, which were extinct and which survived ?

GAUNKARI OR COMMUNITIES

Velhas Conquistas

ILHAS

The island of Tiswadi and the ones adjacent include thirty seven communities, without taking into account those that were extinct during the first period of the Portuguese domination. After the *Foral* (enactment) of Afonso Mexia, the first official list is the one annexed to the *Regulamento das Comunidades* of 1882, which enumerates the following :

Azossim	Bambolim	Banguenim	Batim
Calapur	Caraim	Carambolim	Chimbel
Chorao	Corlim	Cugira	Curca
Durgavaddi	Ella	Gandaulim	Gancim
Goa Velha	Goalim-Moula	Goltim	Jua
Malar	Mandur	Mercurim	Morombim (o Grande)
Morombim (o Pequeno)	Murda	Naroa	Navelim
Neura	Neura	Passo de	Orera
(o Grande)	(o Pequeno)	Ambarim	
Renovaddi	Siridaum	Salacer	Talaulim
Taleigaum			

The said *Foral* enumerates forty communities. It covers besides the aforesaid, the communities of Agacaim, Panelim and Siraz. The village of Naroa is referred to by the name of Divar and that of Morombim (*o Pequeno*) by that of Murcudim.

Prior to the promulgation of the said *Regulamento* of 1882, the Communities of Agacaim, Panelim, Siraz, Banguenim, Chimbel, Gandaulim, Goalim-Moula and Siridaum were already extinct. This last one was declared *comissa* in 1772 and those of Agacaim and Banguenim were granted on emphyteusis at a public auction on 7th August, 1692. A few years later they were seized by the Government for non-payment of arrears of the *foro*.

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The community of Orera was fused with that of Corlim, and that of Salacer appears to have never existed as it formed an integral part of Talaulim of Santana village.

The village of Batim, according to the *Tombo Geral* had been given on emphyteusis by letter of 21st March, 1584, to Kaji Abraham in subrogation of rent that was granted to him by His Majesty D. Sebastiao, by Order of 18th February 1576, to be collected from the Panjim wharf (*Passo de Panjim*) by way of remuneration for the services rendered by him in accompanying to Portugal the Ambassador of Adil Shah (*Idalcao*) with the obligation of passing on to the public treasury the excess of rent over the remuneration agreed upon. It is not known as to when its possession came back to *gaunkars* (9).

The village of Durgavaddi, referred to in the *Foral* of Afonso Mexia with the name of Dugary or Dregarim, came into possession of the College of Our Lady of Populo of the Congregation of St. Augustine, following the extinction of the community for want of *gaunkars*. That possession lasted for over a century until the time it was claimed by *Camara Geral* of Ilhas in 1808. (10)

The corporation of the "Passo de Ambarim" (Ambarim wharf) was an institution of three *Passos* of fishermen that existed at Naroa, Santetem and Ambarim. Its members had the duties of providing seamen to His Majesty's Navy and performing service therein. In return they had the right to fish in the rivers within its jurisdiction. They used to pay the national treasury the *Foro* of twenty five *tangas brancas*. In the second half of the XIX century, the community of Chorao seized its properties. However in the year 1861, the Government restored to the members their properties with the old obligation of rendering service to the Portuguese Navy which had been suspended. The fishing right at Ambarim, Pomburpa, Orando and Britona in four rows of stakes (*Estacadas*) was restored, with the obligation to pay *foro* and render the service of cutting and removing aquatic plants that grew on the bed of the river. (The *Estacadas* are stumps of areca trees fixed in the river beds to which funnel-shaped fishing nets are tied, covering the interspacings between the same stumps.) (11)

GAUNKARI OR COMMUNITIES

B A R D E Z

The communities belonging to this Taluka enumerated in the *Regulamento* of 1882 are thirty-nine in number and are as follows :

Aldona	Anjuna	Arpora	Assagaum
Assonora	Bastora	Calangute	Camorlim
Canca	Candolim	Colvale	Corlim
Cunchelim	Guirim	Mapuca	Marna
Marra	Moirá	Nachinola	Nadora
Nagoa	Nerul	Olaulim	Oxel
Paliem	Parra	Pilerne	Pirna
Pomburpa	Punola	Revora	Saligaum
Sangolda	Siolim	Sirsaim	Serula
Tivim	Ucassaim	Verla	

All these communities survive, and that of Aldona due to misunderstanding and conflicts between the Brahmin and Sudra members, was split into two. One was called *Fraternal* and the other *Boa Esperança*. It was in 1924 that the partitioning of the properties of the original community into two was made, and in 1925 the statute of the Sudra Community was approved. (12)

In 1609 the villages of Revora, Nadora, and Pirna were given away on grant under the pretext that they were deserted by their *gaunkars*. That grant was subsequently extended in 1622. Between the years 1831 and 1834 the sale of those villages was announced by the *Juszo dos Feitos de Coroa e Fazenda* in execution proceedings filed on account of the arrears of *foro*. The Viceroy suspended that Order, because it was against the law and subsequently the *gaunkars* regained possession of their rights in the communities (13)

S A L S E T E

The Salsete Taluka, according to the list referred to in

the *Regulamento* of 1882, comprises fiftythree communities as follows:

Adsulim	Aquem	Arossim	Benaulim
Betalbatim	Calata	Camorlim	Canca
Cansaulim	Carmona	Cavelossim	Cavorim
Chandor	Chicalim	Chicolna	Chinchinim
Coelim	Cortalim	Curtorim	Colva
Dabolim	Davorlim	Deussua	Dicarpale
Donculim	Dramapur	Gandaulim	Gonsua
Guirdolim	Issorcim	Loutulim	Macasana
Majorda	Margaum	Mormugaum	Nagoa
Orlim	Pale	Quelossim	Racaim
Raia	Sancoale	Sarzora	Seraulim
Sernabatim	Sirlim	Telaulim	Utorda
Vaddem	Vanelim	Varca	Velsaum
Verna.			

At the time of drawing up of this list, the communities of Sancoale and Dabolim, had been declared *comissas* but were later restored. The community of Racaim was already absorbed by that of Loutulim, which paid the *foro* due by the former to the national exchequer.

Besides the communities listed above there existed those of Ambelim, Assolna, Cola, Cuncolim, Navelim, Velim and Veroda which had been declared as extinct.

According to the *Tombo Geral* a village named Cola, which cannot be identified from the particulars furnished therein, had been given on grant for three generations by the letter of the Viceroy D. Antonio de Noronha, of 1573, on condition that the grantee during the first generation married a certain orphan. This was done because as the letter states, the *Gaunkars* had rebelled and refused to pay the *foro*.

Under the same pretext, in 1583, the villages of Ambelim, Assolna, Velim, Cuncolim and Veroda were confiscated and in 1585 they were granted on emphyteusis. The first three were subsequently re-established in 1931 (14) and the last two continued to form the County of Cuncolim (*Condado de Cuncolim*). From the hands of the first grantee Joao da Silva they

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passed on to the family of Count D. Francisco Mascarenhas (15).

The shares of the community of Velim were all acquired by that of Carambolim of Ilhas. Hence it was ordered that the members of this last community also be held as members of the former, so long as the latter retained those shares in its title. (16)

Further there existed, in this area three non-agricultural associations which were also called communities, that of Chandaris, Mirabaris and Bois, which were later extinct. (17) The first one had the sole right for toddy-tapping. The second one was an association of fishermen divided into thirtytwo *vangods*, with the monopoly for fishing, while the third one comprised twelve *vangods* and had the exclusive right of selling fish. All of them used to pay some tax (*foro*) to the national exchequer.

Novas Conquistas

BICHOLIM

In this Taluka there were in 1882 twentythree communities, which still continue and are as follows:

Advalpale	Amona	Arvalem	Bordem
Cassabe	Cotombi	Cudnem	Dumachem
Gangem	Latambarcem	Mencurem	Mulgaum
Narora	Navelim	Pale	Pilgaum
Pissurlem	Sarvona	Sirgaum	Surla
Usgaum	Vainguinim	Velguem	

The villages of Caulinguem, Carapur, Mahem, Salem and Viridi do not have communities. All of them find themselves incorporated in the concessions made by the ancient local Rajas to Desais and other mercenaries, subsequently confirmed by the Portuguese Government.

The village of Aturli had its community to whom some lands were given on emphyteusis by the Government or at least it was thus stated in the minutes signed before the *Junta de Fazenda* on 3rd August, 1909. A *Sanad* issued by the old Ruler Bounsle gave to Jiuba Desai of that village some rights in those lands, incom-

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patible with those of that community. This *Sancd* was registered in the said community and finally crossed out by a Order of 3rd April, 1865 of the Governor General. (18)

CANACONA

There were in 1882 in this area, seven communities which still continue and are as follows :

Canacona, Cola, Gaumdongrem, Polem, Loliem, Nagorcem-Pololem and Poinguinim

The village of Cola belonged formerly to the jurisdiction of Cabo da Rama. By the subsequent administrative division, the villages of Angediva, Agonda, Coligaum, Molorem and Sircli were included in this Taluka. None of these have communities.

PERNEM

According to the said list annexed to the *Regulamento* of 1882, all the twenty six villages of this Taluka had their communities. They are enumerated below. Presently they survive only in the thirteen villages marked *.

Agarvaddo *	Alorna *	Amberem	Arambol *
Chopdem	Cansarvorem	Casnem	Cassabe *
Chandel	Corgaum	Dargalim *	Ibrampur *
Kerim	Mandrem *	Morgim *	Ozorim
Mopa	Palem *	Parshem *	Tuem *
Porosocondem	Torshem	Uguem *	Virnora *
Tamboshem			

The village of Cansarvorem, Corgaum, Tuem and half of the village of Morgim and Ozorim are included in the grants made to Desais by the old local kings and maintained by the Portuguese Government.

The community of Corgaum must have been important in bygone days, as, besides for other reasons, it provided members for the *Camara Agraria* of that Taluka. In 1809 the Desais and Gaunkars of this village by means of deeds drawn up before the *Coronel Ajudante Geral*, distributed among themselves the pro-

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perties of those communities and undertook the responsibility of personally paying the *foro* to the Government. The affected communities were not dissolved despite distribution of properties. Thus, when the list annexed to the *Reglamento* of 1882 was drawn up, communities which were virtually extinct were included therein. (19) Even the communities marked * find themselves deformed with that seizure. They were also embezzled. Their assets are found reduced to the bare minimum to cover the insignificant expenses that they have to bear. Their *gaunkars* do not make their primary inscription. This had been going on for a long time. No dividends are distributed as there are none. Only four communities of that area own paddyfields. They meet their expenses with the *foro* they earn. Communities are spoken of as institutions that have long ago disappeared even where they continue to exist. They are like corpses that nobody cares for.

Only the *compromissos* [Rules and Regulations] of the ancient *Devalayas* preserve the memory of their institution. Their *mahajans* are descendants of the old *gaunkars*, divided into as many *vangods* as originally constituted their community. Only through these *compromissos* can it be known as to whom those communities belonged, their surnames and their social class.

Another element that helps their re-constitution is the system of enjoyment of some properties that belonged to those communities, now privately owned. In many villages they are still enjoyed in the same manner as was done originally or prior to their partitioning.

P O N D A

All the twenty eight communities that existed in 1882 exist upto this date and they are as follows:

Adcolna	Betora	Bandora	Boma
Borim	Betki	Candola	Candeapar
Coddar	Conshem	Cuncoliem	Cundaim
Curti	Marcaim	Nirancal	Orgaum
Panchvaddi	Pricl	Querim	Queula
Siroda	Velinga	Verem	Volvoi
Tivrem	Talaulim	Vaddi	Vagurbem

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QUEPEM

This Taluka contains forty-nine villages which formerly belonged to the Balli, and Chandravaddi Provinces and Cacora of the Zambaulim District. In 1882 all of them had their communities but presently their number is found reduced to twenty one of which are marked * in the list below.

There existed five *Torofs* and sixteen communities in that area, which are:

Molcornem Torof

Molcopona	Molcornem	Nagovem	Udorna
Zanoddem			

Aralli Torof

Ara Ili	Quitol *	Naqueri *	Vagurdem
Dabem			

Balli Torof

Balli *	Bendurdem	Adnem *	Coroddem
Fatorpa	Morpila	Bondol	

Barcem Torof

Barcem	Paddi	Nilvon Toloi	Cordem
Morpila	Quedem *		

Maina Sucolna Torof

Cavorem *	Pirla *	Cazur	Codarla
Corla	Dantordem	Gocoldem	Maina
Mangali	Quisconda	Succlna	

Communities

Ambaulim *	Amona	Assolda *	Avedem *
Chaifi *	Chik-Shelvo- na *	Cottombi *	Curchorem *
Cusmane *	Quepem *	Shelvona *	Sirvoi *
Voddar *	Sheldem *	Cacora *	

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S A N G U E M

This Taluka is constituted, as aforesaid, of the old Provinces of Embarbarcem and Astagrahar.

The Province of Embarbarcem was found divided into nine *Torofs* namely:

Atabarcem Torof

Atabarcem	Bandol	Cormonem	Columbossem
Moissal	Rubdem	Santon	Sanvordem

Bamborbarcem Torof

	Bamborbarcem	Biliem		
		Callem Torof		
Callem	Costi	Dudal	Maulinguem	Sissordem
		Codli Torof		
	Camarconda	Codli	Coproi	

Colem Torof

Caranzol	Colem	Molem	Sonaulim
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Sancorda Torof

Aglota	Sancorda	Sangodo	Sigaum
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Salauli Torof

Cotarli	Salauli	Shelpem
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Surla Torof

Boma	Dongorli	Muguli	Oxel	Surla
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Tudou Torof

Paliem	Portem	Tudou	Uguem
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The Province of Astagrahar is constituted of one *Torof* and fourteen communities, namely:

Balli Torof

Balli	Dongor	Naiquini	Signem
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Communities

Billiem	Colomba *	Cumbari	Cunanga
Curdi *	Curpem	Netrauli *	Nundem *
Rivona *	Salguinem	Veliena	Verlem
Vissundrem	Zaki *		

In 1899, the Portuguese Government took possession of the assets of the communities of Embarbarcem with the obligation to pay every year a certain sum of money which would be distributed among its members in the same way as the surplus was earlier divided among them. (20) The communities from Astagrahar marked * maintained their independence. The others formed themselves into one community which is known as community of Astagrahar.

SATARI

This Taluka had the largest number of villages—eighty-eight in all and probably, all of them had their communities. Prior to or in 1882 there remained only two, that of Ganjem and Pissurlem which are included in the Bicholim Taluka.

The most important communities of the Sanquelim or Satari Taluka were those of Caranzol, Campordem, Golaulim, Mahus, Melaulim, Morlem, Onda and Poriem. All of them were members of the *Camara Geral* of that Taluka.

The Sar Desais Ranes seized that Province and established such a regime that forced the dissolution of *Camara Geral* and of the communities, to the great detriment of its inhabitants. In order to remedy this situation and prompted by hatred and a spirit of vengeance against those Ranes, the Portuguese Government revived those communities or rather, ordered their re-establishment.

As the Ranés indulged in disturbing the Province and had to be punished, the Government in 1853 ordered that the communities be reconstituted with the inscription of Gaunkars and Desais of the respective villages, independently of any prior ascertainment about they being descendants from the original *gaunkars* or not. (21) At the same time it was decreed that the lands owned by Ranés and Dubashis under the title of *Mocasso*, *inams* and other such titles, be reverted to the national exchequer.

A few years later, the Ranés surrendered themselves to the Portuguese and swore vassalage and to this, the Portuguese Government promised them protection and rights of citizenship. A decision to restore their old rights was also taken, although the agreement made no reference to it. In 1856, the Portuguese Government revoked its Order in regard to the reversion of all the old concessions under the title of *mocasso* and others as a token of friendship. (22)

The above Legislative enactment did not revoke or suspend the Order for the reconstitution of the communities. However, these communities were never again re-established.

CHAPTER III

FUNCTIONS

It is a historical fact that the villages owe to their communities the net-work of public roadways, the aqueducts of rain waters and those for irrigation of fields and areca-groves, the top-draining of marshy lands, the catchment of waters, the public security and such other works carried out today by the Municipalities and local boards. To the communities also goes the credit of the institution of Temples with their multiple activities, mainly in the literary, scientific, artistic and religious education fields.

The execution of the above works was the responsibility of the communities and the expenses involved thereon constituted their liabilities. All this was being carried out under the direction and supervision of their governing bodies. There existed no other administrative board like the Panchayat, vested with the power of promoting social welfare and elected by universal suffrage of the villagers. The non *gaunkars* had no say. The *gaunkars* were all powerful and they alone shouldered the responsibilities. The budget of the king did not earmark any amount for rural development.

The Portuguese found this system prevailing in all the villages they successively conquered and that was one if not the only reason which led them to maintain the communities. Besides the responsibilities referred to, the Portuguese made

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the communities defray the expenses for setting up primary schools, regular health services in the respective village, and additional emergency cells in cases of epidemics, for all the inhabitants without distinction. For a long time the communities were considered as bodies of public utility and, therefore, were called upon to execute social works which are normally to be paid for by the national exchequer.

The Portuguese Government insisted on the observance of old traditions despite the vehement protest of the *gaunkars*, without paying heed to the fact that the villages had ceased to be occupied only by the *gaunkars*, that they constituted an insignificant minority in the villages and that their structure was found totally modified.

The *gaunkars* were so much involved during the Portuguese rule in the services of public welfare, that even the great Cunha Rivara and Filipe Nery Xavier were led to think that social service was one of the inherent and essential functions of the communities.

"Beside the functions which the communities performed as agricultural associations", says Cunha Rivara, "they are corporations of public order with an extensive municipal power and administrative, judicial and electoral jurisdiction. This is proved by laws, it is referred to in history and is seen with one's own eyes. The Municipal nature of the communities was so obvious, that the *Gaunkari* was called *Camara* and even the same military organization which was established in the Portuguese *concelhos* was set up in the villages in Goa" (23)

The above concept that the communities were organisations to carry out public activities is erroneous since, before Portuguese domination, all their institutions always envisaged the exclusive benefit to their members. The other villagers who were not members of the communities did not enjoy the above referred benefits save those which by their very nature were for public purpose and with no prejudice to the members' rights.

Later on the Portuguese, on realising their error, called upon the communities to establish services only for the exclusive benefit of their members.

The communities although exercising municipal functions, were never municipal bodies since they always catered only to the private interests of their members and never to public interest, which is an essential feature of a Municipal Corporation.

It is erroneously believed that the communities also had judicial jurisdiction and according to the popular tradition, some sacred places which are found to this day in almost all the villages, might have been the meeting centers of the elders, for exercising the above functions. There is no other evidence in this regard.

At the time of the establishment of villages and some centuries after, the elder *gaunkar*, or the chief *gaunkar*, might have vested in himself all the powers of the supreme authority in the respective area, like the *Karta* in the Hindu joint families. This is commonly found in primitive patriarchal societies. Probably, later on, in the normal course of the evolution of the people, those absolute powers of the chief might have passed on to the collective body of the representatives of the *vangods*.

In the XVI century, such judicial boards did not exist. Neither the managements of the communities, nor any of their special committees are known to have been vested with powers to exercise such functions at the village level. When the Portuguese conquered the Novas Conquistas, no vestiges of the above were found, and their *Camaras Gerais* did not refer to it when they recorded in writing the customs and usages of that area. No document which, even incidentally, makes allusion to it, is yet known. The *Foral* 1526 of Afonso Mexia also makes no mention of their existence.

Although some writers speak about *moriads* as a penalty inflicted by the communities to punish the criminal offences, it cannot be so, because they were fines imposed by the associations on their *acordados* who remained absent from their meetings, on the defaulters who had not made payment of their dues within the agreed time limit and in other similar cases.

Many *Compromissos* (Rules and Regulations) of the *Mazantias* refer to sacred places named *Chovato*, where the delinquents were punished with a fine and it is said that the courts of the communities used to function there. These sanctions must have

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been of a religious order similar to those imposed by *Swamis* in more grave cases, because the said places were meant only for religious purposes and the fine imposed served as income of the respective Temples. There existed an old custom of punishing with fines those who contravened religious commandments.

When Cunha Rivara referred to the judicial and electoral powers of the communities, certainly he did not want to attribute to them individually these powers at village level, but to the *Camaras Gerais* who retained in the respective Taluka both those powers. They tried criminal cases and, in terms of the *Decreto* of 27th December 1844, had some electoral powers.

Cunha Rivara is not the only one responsible for that erroneous thesis which went around for want of clarity. Other historians came to find in the *Mahabharata* (*Shanti Parva*) references to Tribunals at the village level, to the wisdom of the Judges who constituted the *Ganas* and to the promptness of their justice. From this they summarily concluded that similar Tribunals should have also existed in Goa. In case they existed no traces of them are extant. But, in no case, could they have been boards elected by the communities. The members of the *Ganas* were not appointed or elected by the *gaunkars*, but by the king, just as all the other officials of the village were.

It would be proper to wait for better data to prove the judicial power of the communities, since nothing can be safely affirmed at the moment.

As is seen later, the communities brought about certain imposts like professional taxes and levis for the transit of merchandise in their respective area. They also imposed and collected taxes for extraordinary expenses, those not covered in their budgetary provisions. For instance they collected, through their agents, the *Malkhorch* for the expenses of *Camara Geral* and *Gramkhorch* for unforeseen expenses of the village. (24)

The Republics of *gaunkars* originally autonomous, were brought under the dominion of one king, and when the latter imposed on them taxes which in turn would allow them the enjoyment and possession of their lands, the communities were entrusted with its collection. On broad lines this system was as

follows : the king fixed a comprehensive tax for each village to be collected by the communities from all those who had their own properties or had taken them on lease within their limits.

This system was prevalent, says Joao de Barrios, during the rule of the Vijayanagar Kings and when the Sultan seized the Deccan and became the overlord of Goa, he enforced it through his Captain Soai who was commonly called Sabayo. (25)

Some historians say, that the system dates back to the year 1054 when the inhabitants of Goa, on being invaded from the sea, by the Mohammedans, undertook to pay the tax *Koshivrath* in return for help sought from the Kadamba king.

The Portuguese maintained the same practice. The *Foral*, 1526, prescribes that each village would be bound to pay to the State certain rent (tax) contained and declared therein. This tax had to be borne and paid by the tillers and other persons according to their customs and usages, who within the boundaries of each village had their estates. It was to be collected by the *gaunkars* of each village with the help of the clerk of the respective community. Further, the *gaunkars* would be bound to pay the said rent (tax) to the king, irrespective of an excess collection or loss, except for the loss caused on account of war, (26)

The communities also collected some professional, commercial and industrial taxes through delegation from the Government. In the village Ella of Ilhas, for instance, the community was entrusted with the collection of a tax on the oil-vendors of Velha Cidade, which was abolished in 1870. (27)

Prior to the conquest of Goa by the Portuguese, the communities had a well set up system of collection of taxes, and they continued to exercise those functions up to the time of the establishment of a special section in the Revenue and Accounts Office in the nineteenth century.

Throughout the territory of Goa this system prevailed except in the villages which were under the jurisdiction of the *Desais*, where the latter were entrusted with the collection of taxes.

FUNCTIONS

The communities had much in common with the ancient Republics and with the Municipalities, but they were always agricultural associations of private interest, associations for the promotion of agriculture and for serving their members. Their activities knew no bounds other than those demarcated by the collective interest which sought their attention and fulfilment, whether for material benefits or purely moral; all for their members and only for them. (28)

CHAPTER IV

M E M B E R S

FOR centuries now the *gaunkars* have ceased to be the only members of the communities, others having entered their fold. Before the last reforms, the new-comers or *adventicios* as they are so called, began competing on par with the *gaunkars* in partaking of the annual surplus and in the exercise of other rights. *Adventicios* are all the intruders, namely, the *Kulkarnis*, the *Kulachars*, the *Vantels*, the *Zonkars*, the *Accionistas*, the *Saints* and even a few of the *Gaunkars*.

The Gaunkars :

It cannot be said for certain that the present *gaunkars* are descendants of the founders of the communities.

We have to begin with the popular version of the dispossession of *Zolmis* or *Kunbis* by the Aryans and Marathas, which has already been referred to in the first chapter of this book. Besides, on account of the religious persecutions in the Velhas Conquistas during the first centuries of the Portuguese rule, the people fled to the Novas Conquistas deserting their villages, except those converted to Christianity. The fugitives returned to their villages later when the communities had already been reconstituted with neo-christians.

It is therefore very rare to find *vangods* of the Hindu sect in Velhas Conquistas. Most of the few that exist, succeeded in

the enrolling of their members only in the 18th or 19th century. The Bandaris, for example, were enrolled as members of the community of Azossim in 1776 or a little before that, on proving their right as *gaunkars*. The Shet Salkars were enrolled in the community of Caraim of Chorao in its 3rd *vangod*, now extinct, by the Order of the Governor General of 21st February, 1880 (29)

Could it be that they had admitted as members only the converted *gaunkars* and their descendants in the reconstituted communities or did they indiscriminately admit all for immediate restoration of the abandoned agriculture ?

Due to insufficient particulars about the blood relationship between the present and the old *gaunkars*, the above questions remain unanswered.

All the *gaunkars* of the community of Goltim of Divar Island are at present Brahmins. The ancient Temple of that village was of God Kapro—Ravalnath, which was shifted at the time of conversion to the village of Naroa of Bicholim. The descendants of the old *gaunkars* of Goltim are the *mahajans* of this Temple, as referred to in the *Compromisso* of this *Devalaia*, but they all belong to the Sudra Bandari class. The obvious conclusion at first sight therefore, is that the Sudra Bandaris were substituted in the said community by *gaunkars* of the Brahmin class.

The ancient documents prove that there was no substitution of the *gaunkars* as inferred above, since the community of Goltim had in 1556 Brahmin *gaunkars* with the surname of Prabhu and Kamat, who could not run away being trapped by the Missionaries and the Portuguese troops in 1560, when the people of Divar Island were baptised *en masse*.

Generally the Brahmins were more attached to their religious traditions, and usually they ran away from the Portuguese – held territory with their deities while the other classes preferred to remain behind, renouncing their own religious traditions, their customs and usages. But in this case, they could not escape since they were caught by surprise. (30)

The surnames of the *gaunkars* in general, prior to the period of conversion as referred to in the first volume of this book, allows in some measure to infer that in a great number of com-

munities of the Velhas Conquistas, the present *gaunkars* and those referred to, belong to the same caste. This goes to prove that the subversion if any was not total. (31)

We also have the case of *vantels* of Calangute, the *naturais* of Raia and the *Daiyadnya Brahmins* (goldsmith) of Aldona who came to be *gaunkars*, the first by virtue of a resolution of their community, the second by a court decree and the third by purchase of the rights to *vangod*, previously alienated by the Portuguese Government as a grant, (32)

In the Novas Conquistas there were also sales by judicial auction of the rights of *tokshims* of *vangod* and their purchasers came to be in several cases *gaunkars* of the respective community, at par with the original ones.

No one is *gaunkar* of more than one community barring those who infiltrated through illegal means of purchase or other illegal transfer of rights. There are indeed a few anomalous cases as for instance:

—The community of Ucassaim of Bardez has *gaunkars* who are simultaneously *gaunkars* of the community of Paliem of the same Taluka. It is found, however, that those *gaunkars* belong to the *vangod* of *kulkarnis* and that they are descendants from one common *kulkarni* (clerk) of the said communities. Subsequently they lost their professional title and mixed with the other *gaunkars* since they enjoyed the same rights as the latter.

—The *gaunkars* of the first *vangod* of the community of Nerul of Bardez are simultaneously *gaunkars* of the community of Marra and of the community of Pilerne, which also has as its members the *gaunkars* of the third *vangod* of the said community of Nerul. Probably they were admitted in these communities as *zonkars* and later they became *gaunkars*, since both enjoyed the same rights and privileges in those associations.

—Another very enigmatic case is that of the communities of the village of Canacona and Nagarshem-Pololem, where the *gaunkars* are Naiks and Nadkarnis Nagarshenkars. These communities inspite of the identity of their members did not join into a *torof*. Each of them has their exclusive properties,

and obligations.

Centuries ago, the above villages were inhabited by *Habus* who had their communities and the Temple of Malikarjuna in Canacona. Tradition goes that it stood at the same site of the present Temple raised on the earlier foundations, on the second day of the crescent moon of the month of *Pousha* of the *Vilambi* of the era *Shalivan* 1700. That old Temple was seized by the Marathas, members of the said two communities. The Deities Kashi-Purusha and twelve others venerated in that Temple and a pension that has been instituted by the said *Mazania* in favour of the descendants of a Mahali, reveal that the present *gaunkars-makajars* (Naiks) are descendants of those involved in the extermination of the *Habus* and seizure of their properties and rights. The assets of the two communities, probably formed part of the spoils of *Habus*. The Nadkarnis might have penetrated therein as their clerks.

—In Embarbagem as well as in Astagrahar, limited groups of families enjoy as *gaunkars* assets belonging to a number of communities. Each community maintained its autonomy until those from Embarcem were seized by the Portuguese Government and some of the communities from Astagrahar fused themselves into one. The reasons for this are hidden in the dust of time. In this regard it is pertinent to note that the Desais and the Nadkarnis share among themselves the surplus while the *zolmis* of these villages live in extreme misery.

The Zonkars :

Their origin is not known, and also why they were permitted to compete with *gaunkars* in the distribution of the surplus and in the enjoyment of other rights.

This particular type of members are found in the communities of Choraó and Gancim of Ilhas, Colvale and Serula of Bardez and Loutulim, Raia, Benaulim, Betalbatim and Nagoa of Salcete.

Tradition and other facts lead one to believe that it was a custom to cede *zons* to persons alien to the communities as reward for the valuable help rendered by them. The rights that were granted might have been of perpetual nature and would

pass on to the male descendants through male lineage.

Some *gaunkars* of the community of Malar of Ilhas have today the right to *zons* in the community of Colvale of Bardez for help rendered to the *gaunkars* of Colvale to repair a *bund* which was about to collapse on account of many breaches that had been caused to it.

The *gaunkars* of the third *vangod* of the community of Gandaulim of Salsete came to be simultaneously *zonkars* of the community of Betalbatim, also for the valuable help they rendered to this community in the repairs to their *bunds*. They were called *Kharvot Khandikars* and were experts in the art of preservation of the *bunds*. Apart from having acquired right to *zons*, they succeeded in securing the right to tender the first vote in the resolution of that association. Another case that can be referred to is of the community of Chorao which chose to give *zons* to those who may come to settle down and once again populate that Island. Although the proposal was sanctioned by the Government, it did not materialize.

Today the *zonkars* do not render any service to the respective community. Its origin is different from that of the *Kulackars*. In some communities they enjoy the same rights as the *gaunkars* while in others they do not. In the community of Chorao, some *zonkars* earn full *zons* which is equal to that of *gaunkars*, others earn three-fourths and some others half. They are enrolled at the age of fourteen years and the *gaunkar* at thirteen and half years. In Gancim the *zonkars*, today extinct, had right only to *zons fateusins*. The *zonkars* of Loutulim enjoy the same rights as its *gaunkars*, whether in regard to the age for the primary enrollment or in regard to the amount of the *zons*. In Raia they receive one pie (*real*) less than what each *gaunkar* receives. The *gaunkars* of Benaulim used to enrol themselves at the age of twelve years and the *zonkars* only after attaining majority. Each *zonkar* had the right to the fixed *zon* of one *tanga branca* provided their number did not exceed six hundred and twenty five. In case it exceeded, each one would receive a proportionate part of the fixed *quantum*.

The Kulkarnis :

They were clerks of the communities as the designation shows. It was one of the professions exercised heriditarily and therefore Afonso Mexia, in his *Foral*, includes them in the class of unremovable officials of the communities. They hailed, generally, from the family of *Shenvis* or *Sinaiis*, also known by the name of *Shenoi*.

A few years after the conquest by the Portuguese, the Government disregarding what was recorded in the said *Foral* and the local customs and usages, compelled the Hindu *Kulkarnis* of Velhas Conquistas to sell their post to the neo-converts in order to avoid mixing up between the Christians and the Hindus. (33) In the Novas Conquistas they continued to be clerks heriditarily till such time as the public competitive test was introduced.

In remuneration for the service, as it will be seen later, they enjoyed some tracts of land perpetually granted by the community by way of *nomoshim* or *nomos* and in some communities they received a certain income named *Vonton* which they however, were not content with. As they enjoyed a privileged and prominent position in the communities, it was easy for them to manoeuvre as they liked. They usually created, therefore, in almost all communities of Novas Conquistas and in some of those of Velhas Conquistas, one *vangod* of *kulkarnis*. They added one more unit to the divider of the annual surplus, without, renouncing their *nomos* nor their *Vonton*.

When this fact was reported to the Governmet in 1865, during the rule of Jose Ferreira Pestana, the extinction of those *vangods* of *kulkarnis* in the communities of Mulgaum and Sirgaum of Bicholim was ordered. Authorization was likewise given to the local administration to make that measure applicable to other communities as and when similar illegal *vangods* were introduced. (34)

This move adversely affected the *vangod* of *Kulkarnis* in the village of Amona. The community was constituted of the following five *vangods*: Prabhu, Gauns, Sinari and *Kulkarni*. The case of this village is very peculiar. The *vangod* of *Kulkarnis* was not benefitted by the concession of *nomoshim*. It

was laid down that they would take part with the *gaunkars* in the division of the annual profit and loss and also receive a perpetual pension of one-hundred and forty-four *xerafins*, three *tangas* and twenty six *reis*.

On proving that those *Kulkarnis* were not genuine *gaunkars*, their *vangod* was declared as extinct. In the same enactment (*Portaria*) it was further added that the clerk on duty would continue to receive whatever was annually due to his *vangod*, so long as he rendered service. On his replacement by another, appointed through public competitive test, he would merely have the right to the part of the annual profit that should exceed the salary fixed for the new clerk. The perpetual pension referred to above had also been declared as extinct. (35)

So many turns and twists were given by the *Kulkarnis* that they still participate in the profit and in the management of their communities. They continue to own their *nomoshim* and to draw the proportionate part of the income corresponding to their *vonton* even though they have ceased to occupy their original post. (36)

Some villages had a permanent *kulkarni*, working continuously for them, while in other villages there were two or more *kulkarnis* working alternately and in turn enjoying the *nomoshim*. In the same manner they enjoyed the income of *vonton*.

In the community of Usgaum of Bicholim, there were three *vangods of kulkarnis* with the right to one *vonton*, the income of which was divided among all three in equal parts. They no longer continue to render service to the said community but maintain their right to *vanton*. Formerly they used to work in turns, replacing each other annually. Although their work in the community might have ceased, those three *vangods* still continue to render service by rotation to the village Temple, as for instance it was inherent to their post to draw up the programme for the *Holly* of the festival of *sigmo*.

There are no *Kulkarni* members today in the communities of Ilhas but in the records of many of these communities reference is made to *nomoshims of Kulkarnis*, which were later reverted. In the community of Neura (*o grande*) there appears to have been *Vonton* in favour of the clerk, as there is an inalienable *interesse*, converted into shares, under the name of *terca de escri-*

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vania. In the community of Navelim of Divar, there is one *zon Fateusim dos Escurivaes*.

There are *Kulkarni* members in the community of Moira of Bardez and in that of Curtorim of Salsete. In Moira they draw *zon* equal to those of *gaunkars*. In Curtorim the amount corresponding to one *zon* is deducted from the aggregate allotted to that class and the remainder is then shared among them.

As a rule the *kulkarnis* belong to the last *vangod*, but in some communities they are members of the first *vangod* as it is found in the Amona village of Bicholim and in Adcolna of Ponda.

Generally in the division of the annual profit and loss, the *kulkarnis* stand at par with the *gaunkars* but in the villages of Dumachem and Naroa of Bicholim they draw less than the *gaunkars*. Both these communities have two *vangods* each, the second being of the *kulkarnis*. The first *vangod* of the community of Dumachem draws three fourths of the surplus and the second one-fourth. In the village of Naroa the net profit is divided in the proportion of two thirds for the first *vangod* and one third for the second. In the village of Cassabe of Bicholim the practice is diametrically opposite. It consists of five *vangods* four being of *gaunkars* and one of the *kulkarnis*. The latter receives one-third of the net profits while the other two-thirds are distributed among four *vangods* of the *gaunkars*.

The Kulachars:

Kulachars are servants of the communities and as remuneration for their services, they share in the profits of the association. They are a special type of servants differing from the artisans which the communities brought from elsewhere and settled in the respective villages. These artisans are all Sudras, while the *kulachars* belong in many villages to the Brahmin or Kshatria class. The *kulachars* of one community are at times *gaunkars* of another. Thus for instance, some *kulachars* of Loutulim are *gaunkars* of the community of Raia and some *kulachars* of Aquem of Salsete are *gaunkars* of Margaum discharging the functions of *chulikars*. All those families belong to the Brahmin class.

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The *kulachars* although mere servants of the communities were made to bear the deficit if any.

Some of the various functions of the *kulachars* are as follows:

BONDERKARS: they mended the banners and carried them in the evening procession of *gaunkars* on the day of the feast of *Novidade* when a bunch of new ears of near-harvesting paddy crop is cut, blessed and distributed.

NANIENKARS: rendered service at child birth in the families of *gaunkars* and kept the bathing room and the washing place of under linen of the mother ready,

CHULIKARS: were appointed to accompany the *gaunkars* with torches when they went out in the nights to repair the *bunds* and for other purposes.

SOTREKAR or SOMBREREIROS: carried umbrellas of honour whenever the *gaunkars* went out on solemn or traditional festive occasions.

There are no *kulachars* in Novas Conquistas. In Ilhas they are found in the communities of Azossim, Bambolim, Batim, Choraó, Gancim, Goltim, Malar, Navelim, Neura (*o Pequeno*) and Taleigaum. They also existed in some other communities, but disappeared leaving behind in their memory, the *zons fateuzins* allotted to them.

In four of the aforesaid communities the *kulachars* enjoy all the rights of *gaunkars*, in regard to their primary enrolment, to the amount of *zons* and alimony in favour of the children and widows. In the other communities they are not at par with the *gaunkars*, who are vested with more rights.

In the communities of Azossim and Batim the *Kulachars* draw only a half of the *zon* allotted to the *gaunkars*. In Goltim some *kulachars* draw a personal *zon* while the others draw *zon* for family. At Bambolim and Taleigaum they do not share in the division of the annual income. They only have the right to certain inalienable *interesses* today converted into shares. In Navelim of Ilhas some *kulachars* draw *zon* in full while the others a fraction thereof.

At Bambolim and Neura (*o Pequeno*) the widows of *kulachars*

with no male issue have the right to a pension, just as those of *gaunkars*.

In Goltim the *gaunkars* have the right to fish using all types of nets on the occasion of weddings and christening in the family, during the Holy Week and feasts of some Saints of the villages when they are the *mordams* (presidents), in waters otherwise leased by public auction. Besides this, the *gaunkars* can fish all the year round with the thread nets known as *Cantai* and *Vendi* in the rivulets of the community. The *kulachars* do not have this right.

The *kulachars* participated in the management of a few communities and had the right to bid at the auction of its properties and of the works to be carried out. This was a very old right in those communities.

Only at Batim are there *kulachars* divided into *vangods* and they have a right to the funeral subsidy in case of death and in that of the wife or widow. They also enjoy some other rights on par with the *gaunkars*.

In the Bardez Taluka ten communities have the *kulachars* as members, but only in seven of these communities do they enjoy rights equal to those of *gaunkars*. In Serula, for instance, Brahmin *gaunkars* and *kulachars* make their primary enrolment at the age of eleven and half years while the *kulachars* of the Chardo and Sudra classes, at the age of fifteen and half years. In the community of Aldona the *kulachars* did not take part in the management of the association and had right to bid (*voz*) only at the auctions of the *tolluks*, that is, the service of guarding plantations. The *kulachars* get their *zons* at the age of nineteen while the *gaunkars* at the age of eleven. In Pilerne the *kulachars* draw *zon* equal to that of *gaunkars* with the deduction of half a *Xerafin*. At Serula they deduct thirty seven and half *Reis*. At Colvale the *gaunkars* enrol themselves at the age of fifteen while the *kulachars* at eighteen. At Mapuca the former at the age of fourteen and the latter at seventeen years. At Saligaum the former at twelve and the latter at fifteen. At Moira the *Calvem-kars* draw three-fourths of the *zon* of *gaunkars* and the *kulachars*, one half. At Verla the *kulachars* do not share in the division of *zons*.

In Salsete only the communities of Chicalim and of Curtorim have *kulachars* and in both, their rights are equal to those of the *gaunkars*.

In the community of Aldona of Bardez, besides the *kulachars*, who were all Brahmins, there were some members who were neither *gaunkars* nor *kulachars* as such, but they used to enjoy the rights of the latter. Some belonged to the Brahmin class while the others were Sudras. The former grouped themselves under the following categories: *Escrivães do 1^o Tombo*, *Escrivães do 2^o Tombo*, *Pandit*, *Godde*, *Muinbre*. The latter in turn, grouped themselves under the following: *Calvinkars*, *Sonarvaddo*, *Coca Mainavaddo*, *Bira*, *Cauxe*, *Buim*, *Ketri*, *Tari*, *Botto*, *Kambli* and *Ventlo*. The *Mumbres* appear to be extinct and the members of the remaining four groups of the Brahmin class continue to be enrolled under the respective category. The Sudras however, left their old community leaving behind the Brahmin members. The Sudras formed a new community which still continues to enrol its members under the respective category of *Calvinkars*, *Sonarvaddo*, *Mainavaddo*, *Cauxe*, *Tari*, and *Botto*. The remaining categories of the Sudra class either disappeared or are mixed up with the *gaunkars*, enrolled without reference to their category.

Notwithstanding the fact of the Pandits not being *gaunkars* and being held equivalent to *kulachars*, they associate themselves with *gaunkars* Kamats and Zoishis in the *Mazania* of the Goddess Shri Bhagvati, shifted from Aldona to Candola of Ponda. The members of the Sudra class are also *mahajans* of the said Temple and they use the surname of Naik, Chari and Kambli.

The Vantels:

The *vantels* or *vantelis*, according to tradition, were servants of the communities like the *kulachars*. In Ilhas and Bardez there are no vestiges of them except in Calangute where they came to be *gaunkars* by virtue of a resolution passed by the same community on 1st March, 1885, constituting the tenth *vangod*. In Loululim, Raia and Curtorim of Salsete they are also known as *Vadikar* and *Naturais*. The *vantels* of the community of Raia by a judicial decision of 15th December 1640, succeeded in getting admitted as *gaunkars*, members of the ninth *vangod*. All the *vantels* and the *kulachars*, or some of them earned part of their *zons* annually and the other part every three years. (37)

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The *vantels* or *vadikars* of Loutulim are Sudras and had the right to *zons fateusins* which they draw immediately after their primary enrolment. It is believed that there also existed in this community *vantels* who were Brahmins and who mixed up with the *zonkars* of the same class.

In Curtorim, the *vantels* earned *zons* equal to those of *gaunkars* and had the right to bid at the lease auctions. Their primary enrolment was made when married or ordained priest. The *naturais* of Benaulim had the right to half a *zon*.

The Accionistas :

The class of *accionistas* or shareholders came as a result of the conversion of some *interesses* in the communities into freely alienable and inalienable *acções* or shares.

Nineteen communities of Ilhas have shareholders. Some shares have a fixed value while the others vary according to the annual surplus to be shared by their members.

The conversion of those *interesses* was ordered by the *Regulamento* of 1882 and in 1888 this order was executed and the schedule of shares corresponding to the *zons* of the respective communities was drawn up whenever its value was not equal to the latter. The number of shares owned by each of the communities and the criterion for the distribution of surplus was also fixed.

For the purpose of rounding off the number of shares, some new ones were created in favour of the communities. These enter annually as dividers of the surplus and the proportionate part which is allotted to them, forms the income of the community in the balance sheet for the following financial year.

The *interesses* converted into shares in the Ilhas Taluka carried the following designations: *Zons Fateuzins*, *Zons Limitados*, *Zons de Kulachars*, *Zons de Honra e Preeminencia*, *Tangas Brancas*, *Tangas de Recamo*, *Bandis*, *Nagos*, *Leais de Adverica*, *Leais de Vanvas* and *Leal de um terço de Escrivania*.

The *zon de Kulachar* might correspond to some fixed pension in favour of *kulachars* reverted on account of their extinction.

The *Leal de um terço de Escrivania* should in its turn, correspond to a fraction of *vonton do kulkarni* also reverted.

In the Taluka of Bardez, eighteen communities have share-holders. The *interesses* of this area converted into shares, carried the following names: *Tangas Brancas*, *Tangas de Zoitalo*, *Tangas de Arequeiras*, *Tangas de Foro Corrente*, *Tangas de Khunt*, *Tangas de Sorvon*, *Zons Fateusins* and *Nagos*. These last ones correspond to the *interesse* over an area of hundred areca trees.

In Salsete, almost all the communities are constituted of share-holders and they divide the surplus exclusively by *acções* (share titles). Salsete is the most affected by the alienation of the rights of the *gaunkars*, the causes of which will be examined later. The *interesses* of this area converted into shares are: *Tangas de Gulonga*, *Tangas de Raxi*, *Tangas de Ker*, *Tangas de Tanque*, *Tangas de Vantem*, *Tangas de Kajan*, *Tangas de Khunt*, *Tangas de Cova*, *Tangas de Catins*, *Zons Fateuzins*, *Zons Fateuzins de Vantels*, *Vangods* and *Leais*.

In the Novas Conquistas the *tokshims* of *vangods* or *faido* were also converted into shares some in the year 1888 and others in 1940, for example, in the villages of Marcaim, Cundaim, Talaulim, Orgaum, Tiurem and others, all of Ponda Taluka.

The Saints:

The properties seized at the beginning of the Portuguese domination from the Mohammedans and from Hindu Temples and their servers were granted to the Catholic Church (38).

These properties, however, became insufficient to cover the increasing expenses incurred in establishing Churches and for the maintenance of the cult. In spite of the great financial strain, the existing Temples were not utilised for Churches. The Missionaries preferred to raise new structures mainly because they believed that those roofs that had sheltered a pagan God could not or should not shelter a true God. Thus, without exception, new Churches were built in all the villages which were Christianized.

According to tradition the old Hindu Temples were constructed by the communities who used to contribute towards the

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maintenance of their cult and had granted *nomoshins* towards the maintenance of their servers. The Portuguese considered that subsidising the religious institutions was an inherent function of the communities and, therefore, transferred that burden in favour of the Catholic Churches.

The Missionaries subsequently discovered that the *gaunkars* contributed towards several religious feasts, ceremonies and sacrifices with cash donations and, therefore, they tried to restore this practice. The *Conselho de Fazenda* by vote *nemine discrepante* decided that the contributions shown in the list drawn up in the new *Tombo* of Ambrosio de Sousa and Francisco Travaços Prego should never again be recovered from the *gaunkars*; that it could remain in perpetual silence so that it may not leave any memory whatsoever of such contribution and its purpose (39).

The contributions referred to above should correspond to those which are still borne by the communities of Novas Conquistas to meet the expenses of *nandadipa* and of innumerable ceremonies. The community of Pale of Bicholim, for instance, sets apart sums for the expenses of *varos bogavol*, *zagar*, *uf/ar*, *kalo*, *sigmo* and others. The community of Gaundongrem of Canacona contributes towards the ceremonies of *stol zodvona*. Almost all the communities share the expenses of the main ceremonies in their villages.

The idea of the restoration of that custom, however, was not altogether abandoned as was decided by the *Conselho de Fazenda*. Its execution was merely postponed in view of the opposition that was encountered. After a few years the Government imposed on the communities a great part of the burden which was till then borne by the public treasury. As a result the communities of Velhas Conquistas provided substantial sums for the expenses of the Holy Week and of the more important feasts of the Saints of the village, just as was being provided for the Temples in the Novas Conquistas.

Besides, the Missionaries also succeeded in making the communities pay one or more *zons* in favor of the Saints of the villages under the designation of *zon dos Santos*. The Saints therefore came to vie with the *gaunkars* and other members in the sharing of the annual surplus.

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In the Tiswaddi Island and those adjacent to it, the communities of Calapur sanctioned nine *zons dos Santos*. The community of Jua seven. In Morombim (*o Pequeno*) six are assigned, five in Neura (*o Grande*), four in Azossim and four in Chora; three and a half in Curca, three each in the communities of Navelim, Goltim and Neura (*o Pequeno*); the other six communities set aside two *zons* each and the remaining communities established one in each village.

In Bardez the communities pay a fixed sum, but Assonora and Tivim pay four *zon dos Santos* each and Ucassaim pays one.

In Salcete the Saints are not members of their communities, barring those of Cavorim and Curtorim who pay *zons*.

The Saints have a share in the annual surplus and are not entitled to any other rights.

With the setting up of the Republican system in 1910, the anti-clergy current which was generated, engulfed the Saints who were members of the communities. With the aim of undoing whatever had been created under the influence of the Catholic Church, many *gaunkars* endeavoured hard to liberate the Communities from religious burdens that had been imposed on them and to eliminate the Saints from the list of their members. The community of Calapur was the first to refuse their enrolment because they did not fit in with the typical categories of members contemplated in the *Codigo das Comunidades* and as no enrolment could be made without the *Certificado da vida* (a certificate issued only to the living). The Government approved the resolution (40).

In the Novas Conquistas the Hindu Deities are not members of the communities, but from the annual surplus innumerable pensions are paid to the Temples, as is referred to hereinafter.

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It is commonly believed that the Goan communities are predominantly constituted of Brahmins. However, a close scrutiny of the castes of *gaunkars* show otherwise.

On going through all the communities including those grouped in *torofs* as distinct units and the extinct ones, it leads

to the following conclusions :

— All the communities are, today, totally purged of *gaunkars* of European blood by male lineage.

— The communities of Kshatrias or Chardos occupy the first place in Velhas Conquistas. Thirty-three such communities are found in Salsete and nine communities each in Bardez and Ilhas.

— The second place is occupied by the communities of the Brahmins. In all the three Talukas of Velhas Conquistas its ratio is approximately of one to four of the total number of each Taluka.

— The communities of Sudras take the third place and they exist in a large number in the Ilhas Taluka, that is fourteen out of eighteen.

— Going from the communities of homogenous constitution to those of heterogenous constitution, they are found grouped as follows :— “Brahmins and Kshatrias”. — “Brahmins and Sudras”— “Kshatrias and Sudras”— “Brahmins, Gauddo and Sudras”— “Gauddo and Kshatrias” and “Gauddo, Kshatrias and Sudras”. Their total number does not exceed twenty six.

— In the Ilhas and Bardez Talukas, more so in the latter, there are communities of the Gauddo class or of the class of Mit Gauddo which should not be confused with Gauddi or Kunbi. The Gauddo caste is one of the three higher castes. According to the tradition they are so called because in ancient times they engaged themselves in the industry of salt extraction. Out of the total twelve communities of Mit Gauddos, four are exclusively theirs.

— There are also some communities of Daivadnyagotri Brahmins and of Vishwakarmagotri Brahmins, the formers being goldsmiths with the surname Shett or Chatim and the latter of carpenters with the surname Mest.

— In the Novas Conquistas the number of communities of Brahmins is less than that of the Velhas Conquistas, not taking into account the communities in which they enjoy the rights of

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gaunkars as *kulkarnis*. There are very few communities that do not have such members.

— The communities of Sudras predominate in Novas Conquistas, followed by Kshatrias' communities whose number is four times less than the former.

— The communities of Brahmins correspond approximately to one fifth of the total homogenous communities of that area.

— The largest number of communities in Velhas and Novas Conquistas together is that of Sudras followed by those of the Kshatrias. Almost all the extinct communities were of the Sudras thus making way for the Kshatrias to gain predominance.

— Lastly as regards the creed it is pertinent to note that in spite of there being large areas in Novas Conquistas occupied by Muslims and the long domination by the Mohammedan Kings over this Territory, all the *gaunkars* either belong to the Hindu or Christian sect. The communities of the Velhas Conquistas have a majority of Christian members while the members in the Novas Conquistas are mainly Hindus.

CHAPTER V

THE PRIMARY ENROLMENT

THE right to membership in the communities is acquired by birth, established by *inscricao primaria* (primary enrolment) and exercised through *matricula* (periodic enrolment) except for the *accionistas* or shareholders.

The primary enrolment is made on the strength of the birth certificate, on attaining the age established by the respective *Instituto Organico*.

The conditions and the effects of the primary enrolment vary from one community to another. In many of the communities, immediately upon enrolment, the member enjoys all his inherent rights while some other communities prescribe a certain age for drawing *zons* and a different age for the exercise of the right of management and for bidding in auctions.

In the community of Nagoa of Salsete primary enrolment is made at the age of eleven years and the member has the right to *zon* immediately thereafter, but has no right to participate in the deliberations of the community and in auctions until attaining majority. In the community of Cansaulim the practice followed is diametrically opposite. The enrolment is made at the age of fifteen, allowing the member to participate in the deliberations and to bid in the auctions for the lease of the fields and

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works to be carried out. The right to draw *zon* is vested in him only when married or ordained.

The minimum age for enrolment in general varies from eleven to twelve years. In most of the communities the primary enrolment is done when minors, but in the community of Murda of Ilhas, Arpora and Candolim of Bardez and Coelim, Duncolim, Telaulim and Varca of Salsete enrolment of its members is done at the age of twenty one. The *Instituto Organico* of the community of Corlim of Bardez prescribed the age of thirty five years which is a unique case. In the community of Calangute, prior to the system of division of surplus made in ratio to the number of shares, it had *zons* and *tangas brancas* and both the *gaunkars* as well as the *vantels*, used to earn from the date of their birth (41).

In the communities that follow the system of distribution of the surplus *per stirpes*, the age for enrolment in the respective *vangod* also varies from one community to another.

The age for enrolment in the heterogenous communities depends at times on the class to which the member belongs. The Brahmins are entitled for enrolment at an age less than that stipulated for other classes.

A similar difference is observed between the Kshatrias, the Mit Gauddos and Sudras, the last being lowest in the social hierarchy are always less privileged.

The same diversity of treatment is found in the relation between the *gaunkars* and other members who have the right to *zon*. In several communities the age demanded for the enrolment of a *zonkar* or of a *kulachar* is more than that specified for the *gaunkar*.

The community of Anjuna has Brahmins, Chardos and Gauddos as *gaunkars*. The Brahmins are enroled at the age of twelve years while the members of the other two classes only at the age of fifteen.

The community of Serula has *gaunkars* and *kulachars* of Brahmin, Chardo and Sudra classes. The Brahmin *gaunkars* and

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the Brahmin *Kulachars* are enroled at eleven and a half years, the Chardos and Sudras on attaining fifteen and a half years. The Brahmin *kulachars* are therefore more privileged than the Chardo and Sudra *gaunkars*. This community also has *zonkars* who draw half a *zon* and are better known as *orde zonkars*. They are enrolled only at the age of nineteen and a half years.

The criteria for the enrolment of *zonkars* in the communities of Chorao and Benaulim is similar to that followed in Serula for the enrolment of their *orde zonkars*. In Chorao the difference of age between *gaunkars* and *zonkars* for their enrolment is of only six months whereas in Benaulim it is nine years.

Likewise the communities of Colvale, Mapuca and Saligaum have a different age prescribed for the primary enrolment of the *gaunkars* and *kulachars*, the difference between the two being three years in Saligaum and four years in Colvale and Mapuca.

The enrolment of the members was generally done in the year of lease auction of the fields. However, there were communities which followed the system of lease through three-yearly auctions, but enrolled members every year.

The communities of Batim, Carambolim, Curca and Jua have an old custom of enrolling members provisionally on their attaining a certain age, to be made permanent after a period of two years.

In some communities members enrolled provisionally draw the whole *zon* and in a few other communities they are entitled only to a fraction of it. There are still other communities wherein the provisional members go in only for the division of certain alienable *interests*.

In all these communities the provisional members cannot join in the management and take part in the deliberations without being permanently enrolled.

The communities which do not have the system of provisional enrolment do not always pay the *zon* in full during the first year. At Loutulim where the enrolment is made annually, the *gaunkars* receive in the first year half a *zon*. At Parra the enrolment is three-yearly and in the first year one half of the

zon is paid. At Nadora the enrolment is made at twelve years of age. But the *gaunkars* draw half a *zon* till the age of fifteen as if the permanent enrolment was made at this age. Similarly at Revora the enrolment is made at the age of fifteen but the *gaunkars* receive *zon* in full after the age of eighteen and prior to this, only one half of it. In the community of Azossim the *gaunkars* on attaining the age of fifteen years in the second year of the three-yearly period subsequent to the primary enrolment, draw in that year and in the following one, only a proportionate part of an alienable *interesse* of sixteen *tangas brancas*. The community of Camorlim of Bardez pays during the first year of the enrolment two thirds of the *zon* and thenceforward in full (42). That of Guirim pays in the first year, one half of a *zon*.

In the Novas Conquistas such a custom also existed. For instance, the enrolment in the community of Bandora of Ponda is made at twelve years of age, but the member draws only one fourth of a *zon* till the age of sixteen (43).

CHAPTER VI

MEMBERSHIP

THE relationship between an *accionista* and his community is the same that exists between a shareholder and a Public Limited Company. It is a pure and simple relationship, as between a creditor and a debtor, incorporated in impersonal and freely alienable titles.

On the other hand the rights of *gaunkars* and others who draw *zons*, have different characteristics which are as follows ;

A) They are rights which vest in the member by birth and not by inheritance, just as the rights to ancestral properties in the Hindu joint families which are governed by the *Mitakshara* system.

He who is born in a family of a member of a community, is eligible to be enrolled as member in the category or class to which that family belongs, on attaining the age prescribed by the respective *Instituto Organico*. If he is the descendant of a *gaunkar*, he will be a *gannkar*; if he is of the lineage of *kulachar* or of *zonkar*, he shall be accordingly a *kulachar* or a *zonkar*. These rights, as already stated, are not inherited and therefore the grandfather, the son and the grandson, cumulatively and individually, have a share in the annual surplus of the community

and exercise other rights on equal footing (44).

The renunciation of membership or the disinheritance does not cause loss of rights in the community to the descendants.

B) They are personal rights which are born with, live with and die with the title holder, and as a corollary, they are inalienable (45).

In several communities of Velhas Conquistas on the death of a member the widow is allowed to draw *zon* of her husband for the period of his *matricula*, corresponding to the subsequent years that are short of the three-yearly period. This customary practice was followed in the villages of Tivim of Bardez and in Ella, Navelim, Cugira and Neura (*o Pequeno*) of Ilhas Taluka.

However, in Cugira this custom was changed in 1850 and it was decided that the widow or, in her absence, the heirs of the deceased, would have the right to two *zons* whether the death should occur in the first or in the last year of the triennial period.

The *Parecer do Procurador da Coroa* of 19th July 1882 refers to this practice and states as follows:— "In some communities which did not have such provision, the *zon* passed on to the heirs and creditors of the deceased. The *Regimento*, 1735 safeguarded the rights of the widows and the custom followed in a limited number of communities was then made applicable to all. But the heirs and the creditors continued to be paid from the *zon* of the deceased on the strength of the prevailing custom."

The above practice was followed upto the year 1882 when the Governor-General Viscount of Paço d'Arcos by his Order of 22nd July, put an end to it, maintaining the right in favour of the widow only in communities where the right was prescribed in their *Instituto Organico* (46).

All this at first sight, appears to be a deviation from the said principle of the *zon* being a personal right, but it is not so, since some communities had laid down that the *matricula* for a three-yearly period gives the right to receive *zons* for the full term, even when the member expires before completion of the

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same period or in other words that the above referred right becomes firmly rooted at the time of the *matricula*.

The characteristics above referred to were almost forgotten during the period 1604 to 1882.

Due to several circumstances the *gaunkars* in the 17th century, showed keenness in the alienation of their rights.

The *Camara Geral* of Ilhas met on 23rd. August, 1604 to seek a ban on such an alienation, but while enunciating the principles, recorded in their *nem* of even date that the *gaunkars* shall not sell the rights without prior consent of the community and that this sale was only valid during their lifetime as the right ended with their death. This *nem* was confirmed by an *Alvara* of 30th. of the same month and year (47).

Thus, that principle was established and consequently the alienation of those rights came to be held as valid so long as they were given to be in force during the lifetime of the alienator. After his death, they would automatically cease to have effect.

In 1628 by means of another *Alvara* a ban was imposed on the alienation of the *vangods* or of the rights of the *gaunkars*, stating that no one could join the communities or become its member, not even with the permission of all the *gaunkars* (48).

Notwithstanding the second *Alvara*, the alienations continued at an increasing pace. The transmissions were made verbally or by unregistered private documents which were not always genuine, solely made in order to deceive the creditors, giving rise to several conflicts and litigations.

In spite of such a situation, the *Regimento* 1735, without direct reference to this problem, established the external form which those contracts were to assume, leading to conclude that such contracts could be validly drawn up, provided that they conformed to the prescribed external form. The alienations thus continued on the strength of the new law being made by their registration in the respective community, as had been prescribed.

This gave way to a new problem. In spite of the alienators having ceased to do their *matricula*, the communities continued

paying the annual *zon* to the acquirers even after the death of the alienators, without verifying about their existence.

The Government intervened again, in order to put an end to this irregularity and, in 1825, declared as compulsory the *matricula* of the alienators, failing which the transfer would become invalid and ineffective (49).

These legal norms stood until the time of the promulgation of the *Regulamento das Comunidades*, 1882 which restored definitively, the principle of inalienability of the rights of the member. Thenceforward, only the *zons* accrued could be alienated and attached in the execution proceedings filed against their title-holders, since they were mere credits of the members against the respective community (50). The subsequent legislation and jurisprudence followed the same doctrinal trend.

C) The rights are exclusive of the male descendants through masculine lineage, either legitimate or the ones who have been legitimated by subsequent marriage of parents or those adopted in terms of the *Codigo dos Usos e Costumes dos Nao-Cristaos* provided that it was done with prior consent of the respective community.

The Hindu women never had a right to the ancestral properties but only the right to alimony. For the same reason the women remained alien to the village communities.

The Hindus were debarred from the recognition of illegitimate children (*perfilhaçao*) and the latter did not have the right to investigate their paternity or to claim the inheritance of their ancestors. The *Codigo dos Usos e Costumes*, 1853 also prohibited the legitimization of children by subsequent marriage of the parents. Thus all the illegitimate children were excluded from succession.

This custom was also followed in the communities. The illegitimate children of the members could not ask for and obtain their enrolment as members. The *Codigo dos Usos e Costumes*, 1880, allowed legitimization but maintained the prohibition of recognition of the illegitimate children (*perfilhaçao*). On the promulgation of the *Codigo das Comunidades*, 1904 the illegitimate children succeeded in getting themselves admitted as mem-

bers, the Hindus illegitimate children being recognised by their parents on the strength of the Portuguese Civil Code which the Hindus could opt for.

In 1811 this custom was broken when the primary enrolment of one *dharma-putra* as *gaunkar* of the community of Pale of Bicholim was authorised. Such an incident never again occurred.

Dharma-putra is a person who performs the ritual of cremation in the absence of sons or relatives. He is called *putra* because he replaces the son who, in terms of the precepts of Hindu religion has the duty to perform the cremation ceremony. The expression *dharma* is added to signify that he is considered as son only for the religious purposes.

A *gaunkar* of the community of Pale expired leaving no issue or other descendants in direct or collateral lineage or *gotris* within the degrees of *sutak* and *suer*. A person named Zotishi performed all the necessary rites and having acquired the quality of *dharma-putra*, he applied for his primary enrolment as *gaunkar* in the *vangod* of the deceased. The Military Commandant of the Province who was called upon to decide the case, granted the petition and ordered that the annual surplus of that community be divided into two parts, one in favour of the Zotishi and the other in favour of the other *gaunkars* who constituted one *vangod*.

The Zotishi then sold his rights to Dalvis and the latter, notwithstanding the initial defect and the principle of inalienability of the rights of *gaunkars*, obtained their enrolment by an Order of the Governor-General later confirmed by a *Portaria* (51).

D) These rights cannot be acquired or discontinued through prescription. He who on attaining the age for primary enrolment failed to do so and even if the maximum time limit of prescription had elapsed, he does not lose the right to be enrolled at any time so long as he is alive, since the extinctive prescription does not operate when the right is not exercised. Similarly, if a person having no right to be enrolled as member, succeeds in being enrolled and enjoys its inherent rights during a period sufficient for acquisition of rights by prescription, he does not acquire the right to be maintained in the fold of the community and therefore his expulsion is inevitable, and he is liable to return all that he has unduly received (52).

CHAPTER VII

PENSIONERS

MANY communities of Velhas Conquistas which follow the system of distribution of their surplus *per capita*, have instituted alimony in favour of widows and children of deceased members. The community of Carambolim of Ilhas also obliged with this pension the widowed mother and unmarried sisters of the deceased member.

Some communities favour simultaneously a plurality of persons, others give the benefit to one certain and particular individual while still others benefit one in the absence of another, establishing hierarchy for preemption. Some give *zon* in full while others give a fraction of it and a few even give to the children jointly much more than what would correspond to the *zon* of the deceased.

The most liberal system is that followed by the community of Carambolim which is found recorded in the Report of 22nd, September, 1860. As per this Report, if any *gaunkar* expires leaving minor sons and daughters, the elder son alone is entitled to the *zon* of the father until his primary enrolment. In case of his death this right devolves on his next brother.

— In case of the heirs being only daughters, the eldest benefits to the extent of one fourth of the *zon* and in case of her marriage, the right passes on to her next sister. The widow

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of the member is simultaneously entitled to this benefit in the same proportion.

— When the member leaves children both of the first and second marriage, the eldest son is entitled to the *zon* which on his attaining the age for primary enrolment, passes on to the eldest son of the second marriage. If at the time of the member's death the sons are of the age for the primary enrolment, the widow has the right to one fourth of the *zon*.

— If the member leaves his widowed mother, unmarried sisters and sons, the elder son receives *zon* in full, the mother gets one fourth and the elder sister one fourth. If the deceased leaves no male issue, but other relatives referred to above along with the widow and daughters, his *zon* is equally divided among the mother, eldest sister, widow and eldest daughter.

— If the deceased has minor children of the first marriage and widow of second marriage, the eldest son is entitled to three fourths of the *zon* and the widow to one fourth.

In the Ilhas Taluka, eighteen communities instituted alimony in favour of the widows of their *gaunkars* and a few also extended it to the widows of *kulachars*, as for instance, those of Bambolim and Neura (*o Pequeno*). The community of Gancim paid such pension to the widows of *zonkars*.

The widow receives a pension only when the husband dies leaving no male issue and this right ceases either upon her death or re-marriage. In the year 1767, however, a *gaunkar* of Azossim died leaving his wife of his second marriage. The said widow was enrolled for the purpose of this pension in spite of the husband having left male children of the first marriage.

As a rule, the widows receive one fourth of the *zon*, but the community of Calapur prescribes one third of the *zon*, that of Cugira and Talegaum one half and the communities of Navelim, Malar and Goltim of Divar Island give eleven, two and one *Xerafins* respectively. These three are the only communities that continue to pay a fixed sum. The community of Gancim till 1765 paid six *Xerafins* and subsequently it paid one fourth of the *zon*.

In the community of Jua when a *gaunkar* dies leaving his

widow and a son, the widow acquires the right to alimony on the death of the son. In case the son dies leaving his widow, both, she as well as his mother have the right to pension, each one of them receiving one fourth of the *zon*.

Oxel and Parra are the only communities of Bardez that favour the widows of *gaunkars* with alimony. This alimony corresponds to one eighth of the *zon*.

In the community of Verla the widow and the unmarried daughter of a deceased *gaunkar* had the right to a dress material for the triennial period covered by the *matricula* of that *gaunkar* and of cultivating one paddyfield of five *kudous* of seed. The right to cultivate a paddyfield of ten *kudous* of seed was given to them if the deceased had been *mordam* of the feast of the Patron Saint of the village.

The communities of Salsete have not instituted any such pensions.

In all the communities of Ilhas the sons of the deceased *gaunkars* have right to alimony which, as a rule, is given to the eldest son, so long as he does not earn *zon* by primary enrolment. However, some of them concede this right to the *primogenitus* only to the exclusion of the others. This appears to have been the custom followed in the communities of Batim, Caraim, Curca, Jua, Morombim (*o Pequeno*), Naroa and Neura (*o Grande*).

It is only in the community of Chorao that the right to pension devolves from the beneficiary on his next brother on his death or on having acquired the right by primary enrolment.

A few of the communities of Ilhas favour sons of deceased *kulachars* with the right to alimony. The community of Azossim gives them half of what is allotted to the sons of *gaunkars*. Those of Batim, Goltim, Navelim and Taleigaum summarily deny them this right. It is only in the communities of Malar, Neura (*o Pequeno*) and Chorao that the sons of a *kulachar* and those of a *gaunkar* enjoy this right on an equal footing. Moreover, in Chorao this right is also made applicable to the sons of *zonkars*.

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In Bardez this pension is paid in twenty four villages, under the following modalities :

— In the communities of Aldona and Anjuna all the male children have a right to one half of the *zon* till they attain the age for their primary enrolment. In Sangolda each of them has right to a full *zon*.

— A different modality is observed in the communities of Assagaum, Assonora, Bastora, Colvale, Guirim, Mapuca, Nadora, Parra, Revora, Tivim and Verla. If the deceased *gaunkar* has only one son, he receives the full *zon* but in case there is more than one son, the youngest will receive the *zon* in full while the remaining will receive only half.

— In the communities of Camorlim, Canca, Marna, Sirsaim, Oxel and Pirna a similar system is followed with the exception that only the youngest son receives full *zon* and the remaining are entitled to none.

— In the communities of Moira, Nachinola, Punola, Saligaum and Ucassaim the alimony corresponding to one *zon* is paid to the only son of a deceased *gaunkar*. When the male children are more than one, the eldest receives the *zon* in full and the others receive one half each. In Moira the sons of a member who is not a *gaunkar*, also receive one half. In the community of Nachinola, when the eldest son attains the age to earn *zon* by primary enrolment, the second son earns the *zon* in full instead of half the *zon* and so on.

— In the community of Olaulim, when the deceased *gaunkar* has only one son, he receives the *zon* in full and in case of there being more than one, each of them receives half a *zon*.

This alimony was also extended to the sons of the *kulachars* in the communities of Colvale, Moira, Nachinola, Olaulim and Saligaum.

No such pensions are paid in the Salsete Taluka.

In five communities of Ilhas the unmarried daughters of a deceased *gaunkar* have right to alimony.

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In Bardez this alimony is only paid by the community of Verla as already mentioned and no such benefits are offered by the communities of Salsete Taluka.

The daughters receive one fourth of the father's *zon*, provided there is no male issue. The eldest daughter is usually benefitted.

The community of Curtorim has instituted a fixed annual pension of five *Xerafins* to the needy *gaunkars*, their widows and children and another of fifteen *Xerafins* towards the dowry for their daughters. The community of Goa Velha had a similar dowry system of ten *Xerafins*.

Some communities of Ilhas, for example that of Taleigaum, contributed a fixed sum for the funeral expenses of the *gaunkars* and members of their family (53).

In the communities of Novas Conquistas no alimony whatsoever is found instituted in favour of children or widows of the *gaunkars*. No provision for such pension is made even when subdividing the *tokshims* of the *vangod* among their members, everything being distributed among the enrolled *gaunkars*.

CHAPTER VIII

ESTATE

ALL the village lands belonged to the community, except for those granted at the outset to *gaunkars* for their *gorbats* and the ones granted to servants and Temples. However, much before the promulgation of the law for protection to their estate, many lands passed on to the private parties, either because they had encroached upon them or they had acquired them under the title of *Kotunban* and emphyteusis. As such at present more than fifty per cent of the lands under cultivation are in possession of private parties. The State occupies the second place and the communities hold not more than fifteen per cent.

The communities own paddyfields, *borods*, cashew and coconut groves, areca gardens, rivulets, salt-pans, reservoirs, pasture lands and lands meant for the common use and for the construction of houses. Consequently, they have as income the rent of the leased properties, the *foro* on emphyteusis, the proceeds of the auction of fishing rights, of honey, wax, stone quarries and forest produce.

Further, the communities also collected a levy from persons who were given the monopoly of sale of food products, and on transit of goods and also other professional or industrial imposts. For instance, an impost of *bussdukann* was collected by the communities of Serula of Bardez, Coddar of Ponda, Loutulim, Benau-

lim and others of Salcete from the monopoly of sale of food articles and country liquor. *Zagat-supari* was levied on areca-nut produced at Rivona, Collomba and at some villages of Ponda. In Coddar and in some villages of Quepem *kuntdenebandar* was levied on faggots which were transported across the village. The communities of Margaum collected taxes on jaggery and other goods in transit, coming from the Ghats. In Candolim, the community collected an impost of *bangasall* on timber and firewood. All the imposts referred to above and many others levied by various communities became extinct in the 19th century (54).

In the villages of Adnem, Quepem and Naqueri there existed an old tax called *potti* in favour of the communities for their extraordinary expenses and in Curdi, Collomba and Rivona a tax of some *tangas* on the *foros of kotun.bans* (55)

The nature of the estate of the communities has to be viewed from two angles, that in regard to the relationship between the communities and the State and between the communities and their members.

Communities v/s State

When in 1526, Afonso Mexia drafted his *Foral*, the origin of the communities must have been as nebulous as it is has always been and is upto today. He followed the traditional version on ascribing the formation of the estate of the communities to a simple occupation of no man's land by the first arrivals, and to their skill in raising *bunds* and thus reclaiming new lands from the sea. He did not have in mind the idea of concession of lands to the *gaunkars* by the King of that time.

He classified however as *foro* or *renda* the tax which the *gaunkars* paid to the overlords and would continue to pay to the Portuguese Government; in spite of not having made reference to any contract of emphyteusis or of lease between the Government and the communities.

In the Portuguese legal nomenclature these two expressions *foro* and *renda* always had their own import as two distinct legal concepts. *Foro* was paid on emphyteusis whereas the *renda* was

paid on lease, and as such these two expressions could never be taken as equivalent.

The confusion created by Afonso Mexia lasted for centuries. Frequently the expression *senhorio directo* was used in order to refer to the State in its relationship with the communities and *enfiteuta* and *rendeira* were used while referring to the communities in the same relationship (56).

Based on the *Foral* and on the subsequent laws, the local authorities forced the *gaunkars* to sign in some Provinces (Talukas) the declaration that the communities were in possession of their properties under lease and in others the declaration that they hold lands under emphyteusis.

Old documents show that the *Vedor de Fazenda* used to go to Salsete Taluka, every three years, to hold meetings of *gaunkars* and draw up declarations that they were in possession of the village lands as *rendeiros* (leaseholders) and in other places *actas* were drawn before the *Junta de Fazenda* admitting that the village lands had been given on emphyteusis to the respective communities. Such declarations were signed by the communities of Aturli and Amona of Bicholim on 3rd and 23rd August, 1809 respectively. (57).

The Government, although well informed about the confusion, did not care to rectify the mistake for many centuries. This allowed them to interfere in the private life of the communities much more than what they would have been permitted to do as a tutelar authority.

A few years after the conquest, Afonso de Albuquerque seized many lands of the communities and granted them to private parties as compensation for the services rendered. Some years after the Government declared extinct several communities, their properties were globally granted on emphyteusis to private parties and others were given away without *foro*. The seizure of the properties by Albuquerque and by the subsequent Governors was done without any compensation. The communities were only exempted from paying the corresponding *foro*.

The Government acted as though the village lands belonged to the private dominion of the State which had been handed

over to the *gaunkars* on some precarious title. This can be best verified from what is laid down in the *Regimentos* given to the *Tanadhar* of Tiswaddi in the years of 1519 and 1523 (58).

These *Regimentos* did not envisage a mere protection of the national economy or improvement of agriculture since they clearly indicate that the Government acted under the impression that the State had a right of ownership over the village lands. The ownership of the lands was thought to be derived from the conquest and the Government held that all the lands the communities possessed, were under the title of the State, the reason being that Albuquerque authorised the communities to continue in possession of the lands on the condition of payment of *foro* which they paid to the Mohammedan King.

Furthermore these lands were not even treated as emphyteusis since the powers which the State exercised thereon exceeded the scope of the rights of *senhorio directo* as defined by the *Ordenações*, the law of that time. However, the Government gradually abandoned the idea that the communities were mere *rendeiras*. The tax which the communities paid to the Government came to be held exclusively as *foro* and not as *renda* in the Legislation of the last half of the 19th century, but, meanwhile, whatever evil could be done was already caused.

In 1881 the *foro* over the properties of the communities of Pernem, Quepem and Canacona was substituted by *contribuição predial* which was paid by the private owners. In spite of this, the communities referred to above continued to be treated as *enfiteutas*.

In the last year of the Portuguese domination, the Government revised the *Código das Comunidades* and only then abandoned the idea that the communities were *enfiteutas* and the State was the *senhorio directo*. In the preamble of this enactment of 1961 the following was clearly expressed :

— "By abolishing the *foro* the historical truth, already stressed by Cunha Rivara, was re-established, by recognizing that the properties of the communities belong by way of perfect proprietorship to themselves and that the *foros* do not correspond to the division of ownership into *dominio util* and *dominio directo*, the latter of the State and the former of the communities".

As such, the communities were the sole owners of their lands. They were subject, no doubt, to some limitations in regard to their powers for transfer which did not affect their coming within the framework of the right of proprietorship, since such limitations are inherent to the purposes of the communities and to the very nature of all such corporate bodies.

Communities v/s Their Members

Did the members of the communities have powers for alienation of the village lands?

The communities and the Hindu joint families are two old institutions formed on unique basic concepts, both in regard to the governance of their affairs and in regard to their structure.

The inalienability of their immovable properties was one of their fundamental commandments. The ancestral properties would be carefully preserved in order to be enjoyed eternally from generation to generation. That was the principal mission of the *Kartas*, their sacred duty.

It is an old principle which by weight of the centuries, had such an impact on the minds of the people that it imposes itself as a religious precept and subsists without formal links of a joint family.

Descendants from one trunk without any blood relationship still worship their common *Kul-Deva* and *Kul-Purusha* and jointly own their ancestral properties.

The regime of this co-ownership is very simple. The properties are held in common where each member has the right to avail of a certain area for the construction of his house with no payment for consideration. All the trees are enjoyed in common and the fruits are collected in a heap which is then divided amongst the *pangods* and in turn amongst its members. Exception is made in regard to trees possessed under the regime of *hath mull* which exclusively belong to a certain *pangod* or to some members. They are trees planted by members with prior tacit agreement that they would be enjoyed exclusively by them and

by their descendants. The land on which these trees stand continue to be common and when the trees perish, these members are not allowed to re-avail of the land to their exclusive benefit. The expenses connected with the preservation and defence of the plot are also common. No one can alienate or mortgage the land for the guarantee of his debts. Thus, they live from generation to generation, owning in common what was bequeathed by the ancestors. Strong rivalries and misunderstandings amongst these families and mutual corporal offences are frequent. Even the homicide of a co-partner by another would not be repugnant to them, they but would never agree to divide their ancestral properties.

This is the thought that led to the formation of the communities and moulded their structure and the norms of their conduct,

Afonso Mexia does not refer in his *Foral* to the sale and to the gift of the village lands just because the old customs never permitted such alienations.

However, sale of the properties of the communities was, according to some writers, permitted relying on item No. XV of the said *Foral*. The literal interpretation of the text safely leads to the above conclusion as the item XV of the *Foral* states that, if any *gaunkar* wishes to sell any village, he shall not be able to do so without the authorization from all the *gaunkars*.... and in case he should make any sale without the said permission, it shall be null and void and everything shall be undone for the upkeep of the *foro* which is due to the State as and when the *gaunkars* want it.

Either Afonso Mexia did not express himself clearly or the text was wrongly copied. The *gaunkars* never had the right to sell the village, since no one can sell anything that does not belong to him. The *Foral* only sought to regulate the sale of the lands granted by the community or rather the sale of *Kotumbans*, following the old custom that existed. In ancient India in order to prevent the outsiders and undesirable persons from acquiring patrimonial rights in the village, the sale of the lands granted by the King was forbidden without prior consent of the villagers.

The Legislation of the 18th century deviated for some time,

from the principles of absolute inalienability of the village lands the same being thenceforth subject to Government authorization. The legislator envisaged only the safeguarding of the interest of the national exchequer and a way to secure the right to refuse alienations that would endanger the payment of the *foro* due to the State. This orientation was followed by the *Regimento*, 1735 and by the subsequent *Cartas Regias* (59). All these laws in the range of the *Assento* of 5th July 1649, often stressed that the State being the *senhorio directo* of the properties of the communities and the latter being mere *rendeiras*, they could not sell or gift away the village lands (60).

The *Regulamento das Comunidades*, 1882 re-established the principle of absolute inalienability by sale or by gift. Thence forward only the alienation contemplated in the said *Regulamento* would be permitted, that is, the emphyteusis and long lease of the fallow, uncultivated and damage lands excluding the lands of common utility.

The old customs prevailing in the pre-Portuguese period only permitted the alienations referred to in the *Foral* of Afonso Mexia which were as follows:

a) The transfer of the properties meant for or under cultivation in favour of the servants of the communities and Temples.

This custom is referred to in the *Foral* at item No. 12 which lays down that the *gaunkars* have the right to give lands free of charge to the officials of the village namely the Brahmin of the Temple (*Bhat*), clerk (*Kulkarni*), the door-keeper, the *rendeiro* (collector of taxes and rent), the washerman, carpenter, the blacksmith, the *mahr* (servant of the Temple), to the women folk of the Temple (*Devadasis*) and to the *chocarreiro* (a sort of clown). To the aforesaid persons plots of land and vegetable gardens are given free of rent, as they continuously serve in the villages. These lands can not be taken away nor can they be given to others as they were granted to them and their descendants.

b) The transfer of damaged and fallow lands on perpetual basis and under the condition of payment of a certain and fixed

annual amount.

This is a contract of *aforamento* or emphyteusis in the legal system of the European continent. In the vernacular language of Goa the title-deed of this type of concession is called *sasson-potto* and the land granted is called *kotumban*.

In the Novas Conquistas plots of land are often found granted under the above system and are called *Stal kotumban*.

Item No 9 of the *Foral* acknowledges to *gaunkars* the right to give the damaged and useless lands to those who wish to cultivate coconut-trees or carry out other cultivation, on payment of a *foro* which is deemed fit, for a period not exceeding twenty-five years. On the expiry of this time limit the granted land would be subject to a maximum *foro* of five *langas* of four *barganis* each as per the old custom. This *foro* covers an area of one hundred coconut-trees, the space in between two coconut-trees being twelve steps.

The item No. 10 which refers to concession of land for areca-gardens, prescribes a *foro* of four *barganis* for an area of one hundred areca-trees irrigated with waters drawn from the well and of six *barganis* for the same area if irrigated by running waters. The distance to be maintained between two trees is of five cubits by five. It states further that the plots granted in that way, could not be reverted to the community because they were granted according to the old customs to the grantee and progeny thereof.

The item No. 9 of the *Foral* refers to two types of contracts the initial contract being provisional for the first twentyfive years and the second one definitive with effect from the end of the first time limit.

The above first contract is called *siristo* and consists in granting uncultivated and unrailed lands, either without *foro* or on nominal *foro* till such time the property yields fruit, on condition that the grantee would bring them under cultivation as agreed upon. During this period the grantee could make subsidiary plantation in the open spaces without prejudice to the main cultivation and could enjoy the income from subsidiary cultivation without paying anything for it to the assignor. On the property beginning

to bear fruit, a certain *foro* would be levied through arbitration for every three or ten years, based upon the yield of these trees.

In Satari and in some other places of Novas Conquistas the above system was also followed for concession of land for areca gardens and areca trees of five categories were not taken into account for the purpose of arbitration, namely: *pori*, *koshi*, *gand-funti*, *korki*, and *zamin* and besides a rebate of ten per cent was allowed.

The above practice was based on the following facts:

— The areca-trees of the first three types do not produce a normal yield or produce nothing as they grow spontaneously at an improper site or out of seeds that are not duly matured. *Korki* is an areca-tree that is sun burnt and thus unproductive. *Zamin* is a sapling that is planted at the foot of another areca-tree in order to replace it as and when it perishes.

This practice ceased in 1866 as the counting of all the trees without exception and without any rebate was ordered (61).

The contract of *siristo* and the contract of *kotumban* have the following distinctive characteristics:

— In the last one the *foro* is fixed and unchangeable; it is computed on the basis of the area that was granted and the transfer is perpetual. In the contract of *siristo* the *foro* is fixed periodically by means of assessment by arbitration and consequently, it is variable; it is fixed on the basis of the number of fruit-yielding trees and not on the basis of the area; the contract is generally for a specific period in order to be followed by a perpetual contract with unchangeable *foro*.

Hence the two types of *foros* to which the old documents refer, are: — the *foro* of *kotumban* or *foro fixo* and the *foro* of *siristo* or *foro corrente* (62).

The contract of *siristo* was very common mainly in the Novas Conquistas under which system plots of land of private owners, of the Temples, of the communities and even of the State were granted for such plantation.

In the last century after the *prasos de vida* corresponding to *inams* were converted into *aforamentos* or emphyteusis, the *siristo*

followed suit. The variable *foro* was converted into a fixed one and the transfer was held as perpetual (63).

According to the old customs and usages and to the subsequent Legislation (disregarding the deviation in the trend referred to earlier) the only contracts of alienation that were permitted to the members of the communities were, therefore, three: -- The one of concession under the title of *nomoshim*, that of the concession of *kotumbans* or emphyteusis and lastly, that of *siristo*.

CHAPTER IX

POSSESSION

THE oldest system of possession of the lands of the communities was by rotation. The *gaunkars* divided their paddyfields into as many *pattes* (lots) as their *vangods* and they were so allotted that every year or every three years, they would pass on from one *vangod* to another. Further, they subdivided these *pattes* into as many parts as the families of each *vangod*, following amongst them the same system of rotation till such time the circle was complete.

Certainly, this was the most equitable system since good and bad *pattes* passed on thus, from one hand to another and at the end of each complete rotation all were equally served.

The *Foral* of Afonso Mexia makes no reference to this system because it did not exist when it was drawn in any of the villages of Ilhas Taluka. Their vestiges, however, continued in the Novas Conquistas. For instance, in a village of Pernem there is a vast paddyfield which is called *Mungache patte* and belonged to a community already extinct. The representatives of its six *vangods* continue to hold the paddyfield in common and to cultivate the same by rotation. The hilly lands are subdivided amongst the *gaunkars* and fragmented in such a manner, that to-day they do not have any economic value.

The said *Foral* records other systems of possession which were prevailing at the time of the conquest of Goa by the Portuguese and states as following :

1 — There are vegetable gardens, coconut groves and paddy-lands which have to pay annually to the communities some *tangas*, but need not contribute towards the deficit of the community if any.

2 — Other vegetable gardens, coconut groves and paddy-fields pay some *tangas* and are also bound to contribute towards the deficit.

3 — Besides, there are lands which the *gaunkars* can give to persons they may deem proper without *foro* or any other pecuniary obligation.

4 — The paddy lands shall be leased out annually through public auction to the residents of the village in keeping with the customs, but if in any village there exists a practice to give the lands on lease to the non-residents, it shall also be followed.

The first of the four modes of possession referred to above corresponds to the grant by way of *kotun ban* which was dealt with in the preceding chapter. The third mode corresponds in turn to the concession under the title of *nomoshim* and therefore, the subject shall be dealt with in the chapter which refers to the servants of the communities to whom these *nomoshins* were granted by way of remuneration. Consequently, the ambit of this chapter is restricted to a rapid and summary analysis of the second and the fourth modes of possession.

The *Foral* records, as is already seen, that there were lands granted with the obligation of paying some *tangas* to the community and of contributing, simultaneously, towards its annual deficit. Even to day in some villages this system is prevalent and in others its vestiges are evident.

The *Foral* does not describe the system in detail, but the records of the communities furnish ample data for its reconstitution.

The communities set apart some properties having a sufficient income to cover their expenses and divided the remaining properties into plots sharing them amongst the *vangods*, according to the right of each one, to the annual surplus. In order to supplement their income, they assigned to each plot a certain number of *tangas* to be paid annually to the community. The properties set aside initially were leased out through auction. The payment of the expenses of the respective community was made with the income derived from the rent and from the *tangas* paid by the *gaunkars* in proportion to the plots they possessed. In case of the annual balancesheet showing a surplus the same was shared in proportion to the contribution made by each *vangod* and a deficit if any was similarly divided.

This system continued to be followed in the Velhas Conquistas for several years subsequent to the *Foral* of Afonso Mexia, as was stated in the *Informacao* of the *Tanadhar* of Ilhas dated 13th December, 1825 (64).

The *Regimento*, 1735 abolished it and ordered that all the communities should follow the system of lease through auction. Prior to this order some communities were already following the said system, probably because of the flight of the *gaunkars* to the Novas Conquistas due to religious persecutions or because of the deterioration of the land. Some communities, however, resisted the innovation and maintained their old system. Hence, the order was re-promulgated in 1769, after a lapse of thirty four years (65).

At Corlim of Bardez some private *Khunts* still pay for the deficit of the community (66) and in Taleigaum the owners of some lands had the right to share the surplus and paid towards the deficit of community proportionally to ninety four *tangas*.

Only in 1849 was it ordered that in the Novas Conquistas the old system of apportionment of plots among *vangods* be put to an end and that the system of lease through auction be followed (67). All the communities however, did not abide by that law and consequently, the old custom subsisted at Cacora,

Cusmane, Adnem, Avedem, Ambaulim, Sheldem and some other villages of Quepem Taluka. It also continued in several villages of Ponda till the year of 1940. In this year the *tokshims of vangod* and the *Faido* were converted into shares.

The partitioning of plots amongst the *vangods* was not made as transfer of property's right but for sharing the income. The lands would continue to belong to the communities, subject to their peculiar regime. In course of time however, this right changed in complexion. These plots came to be treated as private properties of the users as though acquired through their definitive apportionment amongst *vangods*. They were sold, gifted away and even Judicially attached for the recovery of debts. The primary enrolment of the *gaunkars* was now substituted by registration of the title of conveyances of the plots and lastly, in a great number of communities the *tokshims*, as aforesaid, were converted into alienable shares.

The community of Shelvona for instance, was formed of three *vangods* two of Desai-Marathas and one of *kulkarnis* (Brahmins Smarth). There were three paddyfields which were leased through public auction, hills that were fallow and meant for grazing of cattle, *kotumbans* and grants of *foro corrente* and other fields which the Marathas and *kulkarnis* divided among their families into three hundred and sixty *oras*. These *oras* were later marketable and were sold to person other than *gaunkars*. The surplus or the deficit of the community is divided among the owners of these *oras*. (68)

The fourth modality recorded by Afonso Mexia is one of lease through public auction. He states that it was a custom to allow all the residents of the village to participate in the auction and that the non-residents should also be allowed if it was a custom to do so.

Is the system of lease referred to in the *Foral* applicable to all the paddyfields of the communities or only to the ones set aside for the expenses of the communities?

As the *Foral* gave a foggy picture on the subject, many historians held that the above system was applicable to all the paddyfields without discrimination. However it is not so. One will observe from the *Foral* that reference is made to the

customs prevailing in the Ilhas Taluka only. All the villages of this Taluka had *tangas* at the time the *Foral* was drawn and even two centuries later. Further, it will be seen in detail that the *tangas* came out of the system of possession by the allotment of plots to *vangods*. The plots, so allotted, were directly enjoyed by the members of the *vangods* or through *royts* with no interference whatsoever from the communities. The only paddyfields therefore, left under direct administration of communities were those set aside for their expenses.

The above only leads to conclude that the fields subject to lease through auction were the ones reserved for the expenses of the communities and no other.

What has been concluded can now be reinforced by yet another fact. When the system of auction was imposed by the the *Regimento*, 1735, as the one and only common system to all the communities, the *gaunkars* did not allow other members to take part in the auction, save a few who admitted the *kulachars*. The right to bid in the auction of the paddy lands of the communities was always denied to the non-members since the right for their direct possession was an old privilege of the *gaunkars*.

The lease through auction of all the paddy lands of the communities was, therefore, a new system. It was established neither for the benefit of the *gaunkars* nor agriculture.

The previous system which entrusted the properties to the care of those who directly and continuously enjoyed the yield, offered greater incentives for the development of the lands. The village properties now being administered by the communities and subject to a short period lease, were subject to chronic infirmities of the collective properties due to negligence of the tillers and managing bodies.

It was only the Government who was directly interested in this change in order to be sure of their *foros* and tax. This change also helped in bringing to the coffers of the communities the income which by the previous system would remain hidden thus, allowing the Government to know the real economic position of each community and how far it could depend on them for aid towards public expenditure. It would permit a most

All this forced the Government to rescind its steps and invite the refugees to return, assuring them peace and security. Many returned to their villages, restored the *bunds*, remade the fields, repaired the houses and re-started the commerce. The Portuguese Empire was then on its decline (70).

The *gaunkars* converted to Christianity and others who had returned, were still in a state of shock when they were unexpectedly called upon by the Government to help tide over the growing and almost chronic economic crisis. They were caught in a wave of extortion.

The old impost *khoshivrath* became insufficient and for this reason, the *godevrath* was re-established. This impost for the maintenance of war horses which existed during the Mohammedan rules, continued to be collected in the territory of the neighbouring Kings.

Almost simultaneously a new obligation was created and the *gaunkars* were forced to provide thousands of sheaves of paddy hay and grass for the maintenance of those horses and for the buffaloes that moved the gunpowder device. They had also to contribute thousands of palm leaves and areca-tree leaves for thatching the ships (71).

Besides the above taxes which were still insufficient to cover the budgetary deficit of the State, a fresh tax of *meios dizimos* was levied. Some years later it was converted into *meios foros*, a heavier tax. The *meios dizimos* were later re-introduced along with *meios foros* and finally these were converted into *dizimos* (72).

Against the backdrop of severe taxation, the people felt further betrayed since their customs and usages were held as sacrilegious and were summarily abolished in spite of the solemn promise made by Albuquerque.

The people further realised that the subsequent rulers increased the tax which was being paid to the Mohammedan King paying no heed to what was assured to them by Albuquerque.

Similarly when Ibrahim Khan in 1543 ceded to the King of Portugal the lands of Bardez and Salsete, he established the

same obligation of maintaining the imposts without any further increase which was also not respected.

No one knew where these galloping taxes would lead to since the affairs of the State were overcast and gave no indication as to how the Government proposed to cover the deficit. The people were convinced that their territory would see no progress and continue in stagnation with no plans for economic development. Moreover, the *gaunkars* were in distress and they were well aware that the taxes would be diverted to ends which would benefit them in no way.

The taxes levied so far did not help to meet the budgetary needs but no further increase in taxation was possible at this very moment considering the explosive situation. However, a compulsory loan of one third of the income of communities was imposed, which was never reimbursed (73).

As the collection of the rent of the *nomoshins* seized from the Temples and their servants, and of the *foros* on emphyteusis turned out to be very expensive to the State, the same was passed on to the communities as a duty. It was not a simple service rendered free of charge but a fresh burden since the communities would have to pay the total rent and *foros*, even though it may not succeed in collecting them from those who were liable to pay it (74).

The burden of construction of Churches, their repairs and the maintenance of the cult was cast on the communities because such expenses towards the Hindu Temples had always been borne by them.

All the expenses towards the Temples were covered by the income from the lands which had been granted to them and to their servants under the title of *nomoshim*, supplemented by small contributions. The Government seized these lands and gave a large part of them to the Church. Consequently, the new burden came to weigh on other lands, the income of which had never been meant for those purposes. It was therefore, an unjustifiable demand which consumed a huge sum of money depriving those who had hardly any of bread.

Perhaps the Government thought to restore a city, to construct a Fort, to send an expedition to some point of its Empire threatened by the enemy, to contribute for the pompous wedding of the Prince, whatever may have happened, it was the communities that were called upon to pay the expenses, even though they had to take recourse to loans (75).

The neo-converts uprooted from their past and with an uncertain future, feared recruitment in the Portuguese Army. They were tired of so many adversities.

The Government knew that a mere threat of recruitment would prompt them to offer thousands of *xerafins* and they therefore, frequently fell back on this tactic not because of their need for warriors but for money (76).

Almost all the communities of Velhas Conquistas were impoverished due to the loans taken by them to help the State. In spite of this they were not exempted from the payment of tax and *foros*. These payments were to be made within the prescribed time, failing which their managing bodies were likely to suffer imprisonment and other corporal punishments. All that entered into the coffers of the communities was therefore, drained away with the amortisation of debts and payment of tax and *foros*, nothing remaining for the annual distribution amongst the members.

The situation was so unbearable that the Viceroy Count of S. Vicente in his letter to the King dated 26th June 1667, giving vent to his feelings, wrote:—"Mylord, The *gentios* (Hindus) do not have properties and the *canarins* (neo-converts) get from their lands only as much as they need for their maintenance. No one can extract honey or oil out of stones. These miracles only God can work. Your Majesty should send to India whoever can make it easy for you to surmount impossible situations, as I know but to weep at the miseries I see and to encounter difficulties in everything that I do. If I be the cause, another person is welcome. If this is brought about by the people, may Your Majesty have mercy on them".

The constant attacks by the troops of the Maratha Kings

came to aggravate the situation, disorganize the economy of the villages, already in a precarious condition.

On 23rd. January, 1739 for instance, the Marathas under the command of General Venkatrao invaded the Salsete Province and on October of the same year they invaded once again. As a result, the *Camara Geral* was forced to sell at half price the harvest of the previous years in order to pay the invader forty-four thousand *xerafins* by way of compensation agreed to by the Government. The fields did not yield any income, abandoned as they were, the villages had been devastated. Notwithstanding this fact, the Government refused to allow a proportionate discharge, paying no heed to the clear provision of the *Foral*, allowing only a year's deferred payment (77)

This was a normal attitude observed from the first to the last invasion.

In those sorties of the Marathas the people were sandwiched between those who attacked them and those who governed them. Remaining in the village would mean death and by fleeing to other lands outside Goa one would run the risk of confiscation of the little that would be left behind.

The people although aware of the difficulties they had to face, preferred to flee. The Marquis of Alorna vouched for it in his letter of 18th June, 1750. "The expenses being excessive those who enjoyed *zons* and *tangas* remained with nothing, as is happening in several villages on account of the debts and burdens which were left after the last war. This has been the cause for a great many Christians ashamed of misery, to abandon their fatherland and to go and settle themselves in the lands of the infidels imperilling their souls" (78).

The legislation was vast and incongruous. Besides, there was a permanent conflict among the authorities in regard to the jurisdiction over the communities. Even the Archbishop sought to be sole and supreme authority in the approval of *nems* in respect of the sums earmarked for the expenses of the cult.

Each and every authority enforced their wishes on the

members of the communities and those of the *Camaras Gerais*. The transgressor was the one who obeyed and he suffered the fine and the corporal punishment while those who issued orders remained safe and sound with no punishment.

The interference of the Government in the affairs of the communities was such that they suspended the *gaunkars* from their rights to vote, to bid in the lease auctions and even from the right to draw *zons* as and when it suited them (79).

Physically exhausted and economically ruined the *gaunkars* were forced to alienate their rights in their communities. They would rather barter the uncertain for certain, the insecure for the secure.

The first century subsequent to the conquest of Goa was a period of unbridled alienation of the village lands by the *gaunkars*, the Government by way of grants and even inheritance through females in case of neo-Christians (80).

The Portuguese and other powerful people took a keen interest in buying the rights of *gaunkars* in order to infiltrate into the communities and enjoy their honours, privileges and preeminence.

However, there were some *gaunkars* clinging to their old association in decline and therefore they sought to avert the illegal invasion through preemption in the sale. But it was always in vain because the ground was undermined. Some *gaunkars* already bribed would be present at the meeting to oppose the proposal for option (81).

Thus, the Portuguese and other powerful people entered the fold of the communities, seized the rights of *gaunkars* and took over the management. Their authority knew no bounds and so, they compelled the *gaunkars* to honour their wishes, to take *nems* as they deemed proper, trampling on law, on the customs and usages (82).

For instance, the members of the *Camara Geral* of Salsete were forced to take an illegal *nem* by detention in the Fort of Rachol and to fulfil the same by their imprisonment in the

Enxovia do Tronco, notwithstanding that the High Court had annulled the said *nem* (83). The *Camara Geral* of Bardez was also put to shame with abusive language, physical violence and imprisonment of its members.

So many and so grave were such cases, that the Portuguese King intervened and ordered strong measures to put an end to it (84).

The Viceroy Antonio Melo e Castro wrote to the King: "The cause of the destruction of the Portuguese power in these parts, is mainly because we treated the natives as though they were our captives and we were worse then the moors" (85).

Not all the *gaunkars* however, surrendered. They complained to the King about those illegalities and infiltration into the communities. Consequently, Orders were issued for the *gaunkars* to be retained in their rights recognised by the *Foral*, for the annulment of the illegal alienations and for the restoration of the original position.

The voice of the people, however, reached more often than not, very belatedly to the King whose Orders took even longer to come. The accomplished facts consolidated and so, the aggrieved *gaunkar* rarely attained the portals of Justice to pray for the re-establishment of their rights, everything remaining concealed and finally forgotten.

Besides, the communities suffered deep blows in their structure, the *gaunkars* being divested of almost all their rights and powers of management and the Government being the absolute Master of their destiny.

In brief: The religious persecutions, the overload of tax and other demands from the Government, the vexation to the *gaunkars* by the intruders, the arbitrary acts of the Government in the affairs of the communities and the consequent annihilation of the management power, were altogether thrown on the shoulders of the *gaunkars* who were already exhausted, impoverished and humiliated. There was no Law, no Justice.

The communities surrendered under this enormous pressure. The doors of their walls were thrown open since their guards had disappeared, fallen dead. Through them and through other breaches in that great structure, the *khuntkars* penetrated in haste.

Despite all this, the *gaunkars* had secured for themselves, and for their descendants exclusively, a certain right — the right of *voto e voz* (86). During many subsequent years they fought tooth and nail for this right and finally lost it just because they had it as a privilege.

CHAPTER XI

"KHUNTKARS AND TANGAS"

THE *khuntkars* became members of the communities by purchasing the right to share in the annual surplus which was commonly called *interesses*.

The name *khuntkars* was derived from the word *khunt*, the name of one of these *interesses*. The value of these *interesses* found its expression in *tankas* subsequently changed to *tangas*.

The *khuntkars* did not always purchase the *tangas* of *khunt*, but also the *tangas* of *melg*, *covas*, *arequeiras* and others referred to in chapter IV. As the number often represents a force, which in some circumstances supersedes the other forces and the real values, the title-holders of all those *interesses* sheltered themselves under the common umbrella of *khuntkars* in order to claim rights equal to those of *gaunkars*.

The *tangas*, according to Bluteau, came to be a number arbitrarily taken by the *gaunkars* whereby the profit or the loss of the community would be shared (87).

Fr. Francisco de Sousa in his "*Oriente Conquistado*" attributes to them the same nature and origin stating that in olden times when the government was already in the hands of the Portuguese, the income of the communities did not suffice to

pay the *foro* due to the State. Thus, the *gaunkars*, in order to preserve for themselves the village lands and in order that the Royal Ministers may not take them over for default of the payment of these *foros*, constituted the *tangas of khunt* in the following manner: They assembled in their *gaunkari* and fixed at their discretion a certain and definite number whereby they could share the loss or the profit. If the number was of one hundred, they would divide the loss into one hundred parts and in the same manner the profit. They called *tangas of khunt* the units of that number and as in those times there were no gains but loss, they succeeded in allotting more or less parts of that total number in favour of each of the *gaunkars* according to their financial condition, giving ten *tangas* to a wealthy *gaunkar* and three *tangas* to one not so well off, and so on till the number of one hundred was made up. This was subject to the condition that, in case the income of the community did not cover the amount of the *foros* due to the State, each one would make up for the shortfall in ratio to the *tangas* allotted to him and in case the income exceeded the *foros* he would draw from the surplus in the same proportion (88).

An official Report published in 1964 presents another version of the origin of the *tangas*. It is stated therein that *tangas* had been created during the reign of Kadambas. These Kings had to fight continuous and long drawn wars against the Muslims who had invaded this territory and the communities were called upon to bear a part of the war expenses. In order to meet the Royal appeal the communities were compelled to incur large loans and they had recourse to the assignees of the *kotumbans* and to the lessees of their lands. In payment of these loans the communities issued shares called *tangas* in favour of the creditors giving them the right of sharing in the annual surplus but no right to interfere in the administration of the affairs of the communities.

Could the *tangas* have had that origin?

The *tangas* existed much prior to the Portuguese domination over Goa and so they have not been created in order to avoid the seizure by the Portuguese Government of the lands of the communities against the arrears of *foros*, as is stated in the

„Oriente Conquistado” referred to above.

The second version also appears to be absurd. It is possible that during the Rule of the Kadamba kings there might have existed *tangas*, but there cannot have been *interesses* created in favour of creditors of the communities. Had they been titles of credit, all the income of the communities and only the income would have had to be apportioned amongst those *tangas*. It was never done in this manner, since what was being shared was the surplus of the proceeds of the properties set apart to meet the expenses of the communities and from some annual supplementary contribution. The deficit if any was also shared.

As has been stated earlier, the *Foral* of Afonso Mexia refers to the lands of the communities in possession of the *gaunkars*. These *gaunkars* had the obligation of contributing towards the deficit if any and the right to draw the profit. This system of possession of the lands of the communities was a very old custom and existed therefore prior to the conquest of Goa by the Portuguese. (89)

The properties apportioned amongst the *gaunkars* were divided into plots, each plot being subject to pay annually to the community a certain amount of *tangas*. Proportionate to these *tangas* the *gaunkars* contributed towards the deficit or shared the surplus.

Subsequently, in some communities the *tangas* became autonomous rights and as such were alienated. In some other communities when the plots which were bound to pay the annual contribution referred to above were alienated, the *tangas* automatically passed on the new title holder. The acquirers of the *tangas* or of the said plots came to be enrolled as members in the respective communities and thus shared in the profit or the loss of the community in the proportion of the *tangas* owned.

This is the origin of the *tangas*.

Simultaneously, the rights to some *zons* were also sold (90) and its purchasers took shelter under the umbrella of *khunikars* while some *tangas* maintained their old characteristics and remained in the possession of the communities, the income of which was

apportioned amongst the *gaunkars*. These *tangas* today incorporate the inalienable shares.

Could the *tangas* be a number fixed arbitrarily? Could they have been distributed amongst the *gaunkars* according to their financial condition?

Once the origin of *tangas* is established, the thesis of the "*Oriente Conquistado*" does not appear tenable since the criterion for the allotment of *tangas* was the same as commonly followed in other systems of possession of the lands of the communities.

The communities set aside some properties in order to meet their expenses, apportioning the remaining properties amongst the *vangods* under the criterion that was followed for the allotment of the *pattes* or *pattis* in the system of possession by rotation, or for the allotment of *tokshims* to the *vangods* or *zons* to the *gaunkars*.

The income derived from the properties that were set aside for the normal expenses of the communities was supplemented with a certain sum of money which was equitably apportioned amongst the *vangods* to be paid annually. The supplementary contribution was a provision made to meet extraordinary expenses or even normal expenses in times of bad production.

The constant and continuous change of the members of the *vangods*, either by death or by fresh enrolment, led the *gaunkars* to link the contribution to the plots of land as a *jus in re* and not to treat the same as a personal obligation.

For the above purpose the *gaunkars* divided into plots the land to be apportioned amongst the *vangods*, assigned to each plot its value and in proportion to it they divided the said contribution.

In the paddy-fields the *khunt* was taken as a unit which was subdivided into *melgs*. *Khunt* is an area that can be ploughed with a ploughshare (91). Hence the designation *tangas of khunt* and the *tangas of melg*. In the coconut-gardens the *cova* was taken as a unit, twelve steps being the distance from one *cova*

to another. Hence the *tangas of covas*. The same system was followed in the case of arecanut-gardens, five cubits being the distance between one arecanut-tree and the next. Hence the name of *tangas of arequeiras*. *Nago* corresponds to an area of one hundred arecanut trees. *Vanyans* derived their name from *vany* which is a measure equivalent to two by two metres. *Sorvon* was one eight part of the *khunt* or a half of the *bandi*. *Verik* is the name given to beds of paddy-fields that are long and narrow with a set area. The *adveriks* are transversal *veriks* as is evident from its prefix *ad* which means transversal or in contrary direction.

Finally, the communities established that if there should still be a deficit in spite of the supplementary contribution referred to above, it shall be made up by the *vangods* in the same proportion of their contribution and in the same manner the surplus, if any, would be apportioned.

The plots were therefore shared amongst the *vangods* in accordance with their right to the surplus; the *tangas* were allotted in accordance with the value of the plots adjudicated to each *vangod* and the share in the surplus and the responsibility for the payment of the deficit was determined in accordance with the *tangas* which each *vangod* retained.

However, there existed *tangas* the name of which was derived from some types of paddy-fields, as for instance *tangas of kajan* and *tangas of ker*. The meaning and the nature of some other *tangas* as for example the *tangas of recam*, *zoita'lo*, *rashi*, *tank*, *vantem* and *tangas of catim*, are not known. But, whatever may be the name of the *tangas*, their allotment to the *vangods* was always based on the value of the plots which were allotted to them.

There existed also *tangas of zons fateuzins* which were *interesses* of a fixed and invariable value, given to saints, *kulachars*, *vantels* and even to some *gaunkars*.

In 1889 the *zons fateuzins* and the other *tangas* were converted into shares of fixed and variable value respectively. Consequently the *khuntkars* ceased to exist giving their place in the communities to the *accionistas* or shareholders.

CHAPTER XI

"KHUNTKARS & KULACHARS V/S GAUNKARS"

THESE two antagonistic groups were involved in a long and obstinate tussle. It was after the 1st quarter of the 19th century that the *adventicios* revolted against the *gaunkars* to claim honours and privileges on equal footing. This was a maiden revolt for the *khuntkars*, whereas the *kulachars* had attempted the same a few centuries earlier.

During the Mohammedan domination which came in the wake of the invasion of Goa by the troops of Mohammad Bin Tughluk, the Sultan took possession of the conquered lands and tried to do away with social discrimination. Availing of the denial of the right to private ownership, the *kulachars* claimed equal rights with the *gaunkars* and a ban on all their privileges. The idea however, failed as the Mohammedan domination did not last long and the Kings of Vijayanagar re-established the old systems.

The *adventicios* who decided to renew their struggle in the 19th century, had in their fold some Portuguese and several other powerful persons with high connections in the Government, thus giving them a commanding influence over the communities and giving them the power to force *nemis* at will. Nevertheless, their position was precarious and they therefore worked hard

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to assert their claims and get a solid legal base, which they achieved. (92)

When the *gaunkars* engaged the *kulachars* in their service, they gave them the right only to share in the surplus or at times, the right to a *zon fateuzim*. Similarly, when the *gaunkars* sold their *tangas* and similar *interesses* to the *khunkars*, only the right to draw the corresponding part of the surplus was transferred to the new title-holders. The rights that were not transferred were held as privileges by the *gaunkars* and their transfer would only mean alienation of the right of *voto e voz* — the right of management and the right to bid in the lease-auction of the properties and that of the works to be carried out.

Only the *gaunkars* as agents of the association, were legally qualified to take delivery of the ordinary and the extraordinary works. The *gaunkars* who also had the exclusive right to execute these works were in a position to exploit the situation for lack of Government supervision. The profit from the lease of fields and other properties was quite substantial because they were sub-leased to the *kuryaddis* or *royts* at a considerable margin of profit by way of *lavon-chit* agreement.

Many old documents stand witness to the embezzlement of funds through extraordinary and superfluous expenses, acquisition of loans without the due compliance of the legal formalities, lease of paddy-fields for a low rent, exorbitant tenders for the works to be carried out and its delivery taken in spite of faulty execution. (93)

The *gaunkars* protested against the *khunkars* and *kulachars* when they seized their privileges. The King therefore, by successive *Cartas Regias* ordered that the *gaunkars* be reinstated to their rights recognized by the *Foral* (94) and took drastic steps against the infiltration of the Portuguese into the fold of the communities. The rights of the *gaunkars* which were acquired by the Portuguese were held as null and void in the year 1632 and the same was upheld in the subsequent *Cartas Regias* (95). The acquisition of the rights in the communities

either through purchase or by other means was prohibited and also interference in their affairs. All those who were not *gaunkars* were debarred from attending the meetings, mainly those holding the administrative powers (96). At Rachol, on account of some illegalities, this was made extensive to the Captain of the Fort, to the *Ouvidor*, *Recebedor* and to the members of the religious Orders (97).

The King insistently reminded the Viceroys that no *gaunkar* could be deprived of his customary rights in the communities and that no one other than *gaunkars* could enjoy in the villages the honours, privileges and preeminence that came to be assured to them by the old customs.

The *Regimento*, 1735 maintained the *status quo ante* but established that the *adventicios* could indirectly take part in the lease auctions through the *gaunkar*.

However, during the administration of the Viceroy D. Jose Pedro da Camara all those who had financial resources, whether they be *gaunkars*, *khuntkars* or even outsiders to the community and to the village, were admitted to the lease auctions by means of the *Circular* of *Juiz de Fora e das Comunidades* dated 11th July 1775. (98)

The *Alvara* of 31st August 1783, reversed the effects of this *Circular* and ordered the admission of the outsiders only when there were no members who wished to bid in the auction (99). The *Aviso Regio* of 20th January 1816, maintained the privileges of the *gaunkars* to take part in the auctions to the exclusion of other *interessados* (100).

The Governor Jose Ferreira Pestana was one of those who favoured the levelling of the members of the communities. He wrote in 1847 to the King:—"... I further assure Your Majesty that it (the draft of the *Novo Regulamento das Comunidades*) has suffered opposition only from those who seek that, all the conveniences, the rights of the *interessados* in the communities and all the advantages for the agriculture and for the public cause, be put aside in order that the *gaunkars* may exclusively administer the properties of others, maintaining in

all its fullness their absurd privileges, notwithstanding the fact that this Gothic monument is already pulled down in some villages. It therefore, appears necessary first of all, that the true members (the *khuntkars* and other *adventicios*) may have the right to bid in the auctions and to take part in the administration of their properties (101).”

Two years later the situation took a new turn when the *Circular do Governo* of 26th April 1849 maintained the rights of the *gaunkars* and admitted the *adventicios* to the meetings of the communities to voice their opinion on the matter under discussion and to protest against illegal deliberations. When the subject of acquisition of loans, the approval of expenditure and the concession of the plots of land on long lease or on emphyteusis was being dealt with, the *adventicios* were to be compulsorily heard. (102)

The basic rent for the lease auction of fields and *foro* for grants on emphyteusis were fixed by experts like *tirayths* and others, who were selected exclusively from amongst the *gaunkars*. In 1846 however, the participation of *gaunkars* and of other *interessados* was made obligatory in equal ratio and a few years later it was ordered that for the post of *tirayath*, only the outsiders to the communities and to the village should be appointed. (103). In 1853, the Government prohibited the members of the communities to interfere or to take part in the auction of the works to be carried out in the respective community (104).

The *Portaria* of 24th August 1854, ordered that the *khuntkars* and other *adventicios* should not interfere in the administration of the communities.

Much ink was spilled on this subject through the local press, representations and public speeches, when the *Projecto do Regulamento das Comunidades* 1882 was drawn up.

Some were of the opinion that the exclusion of the *khuntkars* and of the *kulachars* from the administration of the communities, was immoral and contrary to the basic principles of the Constitutional Law of the Nation. Others maintained that the right was always exclusively of the *gaunkars*, in terms of the old customs and usages, and that the Portuguese Government

undertook to respect them. The more extremist amongst them sought the extinction of the communities, the distribution of their properties amongst the members without discrimination, expounding the idea that the same was in national interests and in keeping with a progressive agricultural policy. They defended the thesis "land for the tillers" and the extinction of *latifundia*.

The communities belonged exclusively to the *adventicios* through purchase of rights from the *gaunkars*. The *gaunkars* had no right to share in the profit or be responsible for the loss. They however, retained the exclusive right of administration and the right to bid in the auctions. Besides, the Government was bent on levelling all the citizens and doing away with honours, preeminence and privileges, both in civil and religious fields of activity. These favourable conditions helped the *adventicios* to forge ahead, surmounting all difficulties.

Both, the *gaunkars* and *adventicios*, regarded the right of management and of auction as being a privilege of the former. As a right, it had to be respected, while as a privilege it would be prohibited. Given that both the parties referred to it as privilege, it was abolished.

The Regulamento 1882, which went beyond the previous laws, dealt a severe blow to the *gaunkars*. It equated the *kulachars* and *zonkars* to *gaunkars* in regard to the power for administration. The *khuntkars*, however, continued to be deprived of this right.

Four years later came the *Reglamento* 1886 which went even further. It placed all the members of the community on equal footing in regard to the administration.

The *gaunkars* and the *adventicios* were not much concerned in the issue, since the rights of administration were largely absorbed by the Government and the little that remained would not take long to be also absorbed. They fought all the same because of its co-relation with the right to bid in auctions. The *gaunkars* endeavoured to protect their exclusive right to bid in auctions, whereas the *adventicios* united to capture it.

The evolution of the law in regard to this subject inclined towards a complete equalisation. The *Regimento* 1735, as stated, ordered the admission of the *adventicios* to the lease auctions

through the *gaunkars*. It imposed on the *gaunkars* the obligation to choose one amongst them as a representative of the *adventicios* in order to bid in the lease auctions. This norm would be supervised by the *Tanadhar*, who was empowered to take necessary measures in case of its violation (105).

Sometime between 1735 and 1817, by various Governmental Orders both the *gaunkars* and the *adventicios* were permitted without discrimination to participate in the lease auctions. However, in the year 1817 precisely, the earlier law was re-enforced. (106).

From 1882 onwards even the outsiders to the village and to the community could participate in the lease auctions without restriction in terms of the *Reglamento* of that year.

The *Reglamento* 1882 caused much concern and spread a wave of discontentment amongst the *gaunkars* and *adventicios*. They, therefore, jointly spared no efforts to revoke the new law, in which they succeeded. The *Reglamento* 1886 laid down that the lease of paddy-fields should be allowed only to the members of the community and the outsiders would be granted the same right provided there is no member who opts to exercise it. In regard to other auctions the *Reglamento* maintained what was established in the earlier one. Its bidding would be in an auction open to all.

The *Codigo das Comunidades* 1904, adopted the regime of the *Reglamento* 1882 and the next *Codigo* of 1933 followed the same trend.

The various laws which were promulgated till then did not in anyway safeguard the interests of the tiller (*royts*), they being subject to severe exploitation by the successful bidders. The tillers could not muster the bare minimum required for a living. This state of affairs could not continue and the Government through a fresh legislation, prohibited the sub-lease as a measure which would dissuade the non-tillers to participate in the lease auctions. This enactment did not yield the desired results, and therefore yet another legislation was brought forth which allowed only the actual tiller to bid in the auctions. (107)

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What had been the privilege of the *gaunkars* became a right of the actual tiller. The *gaunkars* did finally lose the long battle and the *khuntkars* triumphed but with no advantages. At last, Justice was done giving the lease of the lands to those who in fact were attached to them.

CHAPTER XIII

"TOKSHIMS OF VANGOD"

The *tokshim of vangod* is the share allotted to each *vangod* on division of the annual surplus *per stirpes*, and also a fraction thereof which is given to each *gaunkar*. The same designation is given to the share allotted to the *gaunkars* in the system of sharing the surplus by *tangas*.

The *gaunkars* alienated the *tokshims of vangod* by deed of sale and by judicial auction and the *Tribunal da Relacao* being called upon to decide on the validity of these alienations, declared that the *tokshims of vangod* were inalienable in the communities where the sharing of the surplus was made *per stirpes* and alienable where it was made by *tangas*.

Subsequently, there was a divergence of opinion among the Tribunals as regards the validity and the effects of these transactions. Some maintained that the *tokshims* of the communities sharing the surplus *per stirpes* were alienable and those sharing the same by *tangas* were inalienable, while others held a reverse opinion. As regards the effects, some acquirers of the *tokshims* were given all the rights of the *gaunkars*, whereas the others were given only the right to draw from the surplus with no right to interfere in the affairs of the community.

The community of Amona of Bicholim follows the system

of division *per stirpes* or by *vangods*. In 1851, some members alienated their *tokshims* and the new title holder obtained his enrolment with the right to share in the surplus corresponding to his *tokshim*. He would not be entitled to vote and interfere in the management or to take part in the lease and other auctions (108).

In the subsequent alienations of the *tokshims* of the same community, the *Tribunal da Relacao* in a particular instance decided that the alienation was illegal, since the *tokshims* had the nature of *zons* and were therefore inalienable. Three years later the unconditional enrolment of a purchaser was authorized with all powers and rights of *gaunkars* (109). In the year 1811, the same was allowed to a purchaser of a *tokshim* of the community of Pale of Bicholim which also follows the system of sharing the surplus *per stirpes* (110).

In an execution proceeding filed against some *kulkarnis* of the community of Cudnem of Bicholim, their *tokshims* were attached and sold by judicial auction. The *Administrador das Comunidades* rejected the application of the purchaser, praying for his primary enrolment which was later granted by the *Tribunal Administrativo*. (111) The title holder on obtaining his enrolment claimed all the rights of a *gaunkar*, but it was decided that his rights should be restricted to sharing only the surplus, which was divided *per stirpes* (112).

As regards the alienation of some *tokshims* of the community of Priol of Ponda, the *Tribunal da Relacao* did not authorize the primary enrolment of the purchaser although the community followed the system of sharing the surplus by *tangas*.

The nuclei in the argument of the purchaser was that such a right had been held as alienable in the Velhas Conquistas and that the acquirers (*Khunikars*) were placed at par with the *gaunkars*. This argument failed to produce the desired results since the Administrative Tribunals held that the *khuntkars* were admitted as members of the communities of Velhas Conquistas by law and that there was no provision whatsoever declaring that equal treatment be given to all those who should acquire *tangas* or *tokshims* of *vangod* in future. (113).

The above alienation was carried out when the law in force

expressly established that no one could alienate the right of membership in the communities and that the right could not be attached in the execution proceedings against the *gaunkars*. Consequently, the acquirer of the *tokshims* had no right to being placed in the position of the *khuntkar* by analogy.

Later, the above thesis was ignored, although in accordance with the old customs and usages and with the law. In many communities which divided the surplus by *tangas*, the *tokshims* of *vangod* were converted into alienable shares, and in others they continued to be treated as alienable *tangas*.

CHAPTER XIV

ADMINISTRATION

Prior to 1510 and a few years later, the communities were administered on the pattern of Hindu joint families.

Each *vangod* as a rule elected one or more representatives for every triennial period to the board of management. In some communities, however, only the members of certain *vangods* had the right to elect and to be elected as members of the managing board or of the *Acordados*, while in some others the system of rotation or rather of alternation amongst the *vangods* was followed.

Some *Acordados* were paid in cash and others received the income from the paddy-fields especially set aside for the purpose. In Carambolim, for instance, each *Acordado* enjoyed one fourth of the *bandi* of the field "*Sorvon*." The *Acordados* of the community of Corlim who hailed from the first, third and fourth *vangods*, enjoyed the second *melg* of the "*Uddi of gaunka's*" and those who hailed from the fifth, sixth and seventh *vangods* enjoyed the income from the eight *melg* of the same field. At Calapur they received the proceeds of the "*Vanvans of Acordados*" and at Neura (*o Pequeno*) they earned four *zons fateuzins*.

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The powers of the members of the managing board of the communities were the same as those of the *Karta* of the Hindu joint family, being absolutely free in their deeds and decisions.

Each member of the governing body had the right of veto and, therefore, the resolutions had to be by unanimous votes. If one says *naca* (I do not want), the *naca* would prevail against the wish of the others (114).

In the course of time, the communities faced severe problems in every sphere and the right of *naca* was being freely used to suit one's own convenience. A drastic remedy became, therefore, highly necessary and as a result this customary right was abolished, paving the way to the system of resolution by majority of votes (115).

This measure was adopted based on the Report (*Parecer*) of the *Desembargador Ouvidor Geral*, Bento Baena Sanches which was sent to the King of Portugal along with the letter of the Viceroy dated 4th March, 1626. He wrote: "the Viceroys who preceded me, had made grants of some *gaunkari* (rights of membership in the communities) to persons who were not of the lineage of the *gaunkars*; it had been acquired through the inheritance of females and was divided by the Portuguese and other powerful people among themselves. They bribed some poor *gaunkars* in order that with their *naca*, they might oppose the option which the community wished to exercise."

The *gaunkars* due to this reform and other facts referred to earlier, sought to abandon the management of the communities and to create confusion and chaos therein. The *Acordados* did not always attend the meetings in spite of being personally notified. They provoked disturbance and left the hall without signing the minutes, rendering useless the meeting which at times was on important issues (116).

As the customary punishment for such indiscipline became inefficacious, a more drastic legislation was enacted (117). Besides, the Viceroy ordered that the *gaunkars* who refused without proper justification to participate in the management, would be allowed to bid in the lease-auction only through other *gaunkars* like the *interessados* (118).

In spite of this and other repressive measures, the *gaunkars* persisted in disobeying the law and in not cooperating. This suicidal attitude on their part, besides disorganizing the affairs of the communities, contributed to hasten the absorption of the powers of management by the Government and the abolition of the previous administrative system.

The quorum required for passing a resolution varied from one community to another. Some communities demanded the participation of all the representatives of each *vangod*. There were other communities who prescribed a minimum of one representative per *vangod* while others required representatives from at least half of the even number of the *vangods*, plus one.

Even though during the last centuries the *vangods* of some communities were reduced in number, they generally followed the old system of representation but on the basis of the number of the subsisting *vangods*. The community of Taulim of Salsete for example, was constituted of twelve *vangods* and each of them elected one *Acordado*. When nine of these *vangods* ceased to exist, the managing board of the community functioned with a three member quorum. The community of Cortalim with twenty-four *vangods* prescribed a quorum of one half of the total number, plus one. Subsequently the number of *vangods* being reduced to seven, resolutions were taken with four members.

Other communities maintained the original number of *Acordados* in spite of the reduction in the number of their *vangods*. In case the number of *vangods* that ceased to exist was divisible by that of the existing ones, each *vangod* elected additional *Acordados* in a number that they got through the division. If the number of the extinct *vangods* was indivisible by those existing, the *Acordados* of the extinct *vangod* were elected alternately by rotation from amongst the existing ones. The community of Serula was constituted of eighteen *vangods* and having been reduced to four, continued to demand eighteen votes for a valid resolution. In the community of Goa Velha which was reduced to two *vangods*, the resolutions were passed with ten votes. The community of Utorda, notwithstanding the extinction of one *vangod*, continued to demand five *Acordados*, the fifth one being

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drawn from the existing *vangods* by rotation.

The various systems referred to had, however, some exceptions. For instance, in the community of Calapur the *Acordado* of the tenth *vangod* already extinct was elected exclusively by the members of the seventh *vangod*. The additional *Acordados* for the five extinct *vangods* of the community of Assolna were, two from the *vangod* of “*Cudous of Soklo Vaddo*” and three from the *vangod* of “*Vagrins*”. The *Cudous of Oilo vaddo* and the above two *vangods* each elected their own *Acordado*, thus forming a quorum of eight members.

Besides, there were some other peculiar systems. The community of Verna had a quorum of five members elected by four *vangods* out of twenty-nine. The community of Bambolim demanded two-thirds of the number of its *vangods* and in Davorlim five *Acordados* were elected from fifteen *vangods*. In Betalbatim, the intervention of the *Acordados* of its five *vangods* was necessary plus one from amongst the *zonkars* (*gaunkars* of Gandaulim).

In the year 1854, the Rules for the constitution of the managing board of the communities were framed for the first time (119). They maintained the old customary practices and ordered that the *Institutos Organicos* of each community would be followed. The *Acordados* would be selected from amongst the *vangods* they usually came from. Their governing bodies would have as many members as had been contemplated in these *Institutos* and the *Acordados* would continue to enjoy the rights and privileges which their communities instituted.

This new enactment which would be applied as supplementary law to all the communities, contained the following basic principles :

— Each *vangod* would elect its representatives.

— The managing board would be held as constituted, when the required minimum number of representatives of each *vangod* and the minimum number of the total demanded by the respective *Instituto Organico* were present.

— The minimum number for the formation of the quorum would be five. As a result, if a community was constituted of less than five *vangods* and if it should be the custom to elect one representative for each *vangod*, there would be elected further, as many members as are necessary to complete the number of five. These additional members would be selected alternately by rotation from amongst the *vangods*.

— The *gaunkars* residing in the respective village would be preferred to the non-residents.

— The *non-gaunkars* would be elected to the managing board jointly with the *gaunkars* only in communities where such a custom prevailed.

— In the absence of *gaunkars* the management would pass on to the other members. Those having greater rights would be more eligible in each category.

This state of affairs continued up to 1880 (120). The law promulgated in this year introduced substantial modifications, changing almost the entire previous system. Thence forward all the members would intervene directly in the resolutions and the *Acordados* would be replaced by a *Junta Administrativa*, totally constituted of members appointed by the Government. The communities in each *Taluka* would be governed by the *Administracao das Comunidades* which would be subject to the tutelary authority of the Governor General and the Administrative Tribunals.

Much before this reform, the *gaunkars* lost many of their powers. The resolutions on expenditure; the acquisition of loans; the concession on emphyteusis and long term lease of lands were to be sanctioned by the Government (121).

The Government, gradually took over almost all the powers of the *gaunkars*. The resolutions of the communities became advisory and devoid of executory force without sanction from the Government. The will and directions of the Government became supreme.

In 1526, the *Tanadhar* was already supervising the communities and enjoyed wide powers with no defined limits. This

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post was abolished only in 1836) 122). Later, many other authorities simultaneously superintended over the communities.

In the 18th century, the communities were deprived of the right of instituting judicial proceedings, without prior authorization from the Government and in 1854 such restriction was imposed on the *gaunkars* in regard to their rights in the communities (123).

The *Regulamento* 1882 did away with the few existing powers. The powers of the General Body of the communities were restricted to the election of their Attorney, to check the estimate of the income, the evaluation report of their lands and the balance-sheet and finally to give its opinion.

All the other powers passed on to the *Administracoes das Comunidades* and to the tutelary authorities—the Governor General and Administrative Tribunals.

The *Juntas Administrativas* at the head of each community were only engaged in routine work and furnished the information asked for by the Government.

The subsequent laws followed the same trend and the communities were never relieved from the Governmental yoke (124).

CHAPTER XV

DIVISION OF THE SURPLUS

The oldest system of division of the annual surplus of the communities seems to have been through division by *vangods* and their subdivision *per stirpes*.

When some communities adopted the system of possession by dividing the lands amongst the *vangods*, the new divisor of the surplus came to be the *tangas* in place of the number of *vangods*.

Later, when the system of the joint ownership began to decline, making way for the individual ownership to gain predominance, the amount allotted to each *vangod* was divided *per capita*—a modality which evolved into the system of direct division of the surplus by the number of the members of the communities.

The system of the division of the surplus by *accoes* or by shares was created by the Portuguese as a result of the conversion of the *tangas* and similar *interesses* into shares.

The criteria of division of the annual surplus of the communities are therefore four :

— *Per stirpes* or by *vangods*

DIVISION OF THE SURPLUS

- *Per capita* or by *zons*
- *Per tangas* or by *tokshims*
- *Per accoes* or by shares.

In the Ilhas Taluka all the communities with the exception of those mentioned below, divide their surplus partly *per capita* and partly by *accoes* (shares). The only communities which divide the net income wholly by shares, are those of Goalim—Moula, Murda, Renovaddi and Siridaum.

In Salsete the position is diametrically opposite. Most of the communities of the area divide their surplus by shares but prior to 1889 this surplus was divided by *tangas*. Only the communities of Camorlim, Cavorim, Curtorim, Loutulim, Raia, Benaulim, Quelossim, Nagoa and Verna divide their income partly *per capita* and partly by shares.

The communities of Arpora, Calangute, Candolim, Cunchelim, Marra, Nagoa, Paliem, Pomburpa and Siolim of Bardez Taluka divide the surplus exclusively by shares. The communities of Anjuna, Assagaum, Camorlim, Canca, Corlim, Sangolda, Serula and Verla divide the same by shares and *per capita*. The others follow the system of division exclusively *per capita*.

The communities of Bicholim and the two communities of Satari placed under its jurisdiction, follow the system of division *per stirpes*.

At Ponda the division by shares is predominantly followed against the old system of division by *tangas*. The Report of the *Administrador do Concelho* dated 23rd April, 1883 states that the system of division *per capita* which prevails only in three communities of this area, was introduced at Bandora in the year 1869 to substitute the system of *tangas* or *tokshims*. It was almost at the same time that this system was introduced in the village of Verem. In the village of Borim it was adopted in 1876 in regard to one part of the surplus.

In Quepem Taluka the system of *tangas* is commonly adopted and in Sanguem the division is *per stirpes*. In Canacona, the

system *per stirpes* and *per capita* is followed. The communities of Pernem who do not divide the surplus for many years, appear to have followed the division *per stirpes*.

The communities divide the annual surplus directly by the number of their members enrolled in the book of *matricula* in the respective year, when the system of division *per capita* is followed. Thus, if the community is constituted of two *vangods* and if the first *vangod* has ten members and the second has five, the profit is divided into fifteen equal parts. Similarly, the division by *accoes* is made by allotting the surplus in accordance with the number of shares.

In the system of division *per stirpes* the surplus is divided by the number of *vangods* and then subdivided amongst their branches and finally by the members of families which constitute the branches. Thus, if a family is constituted of four members, being a father and three sons, the share allotted to the family is subdivided into four equal parts.

In the case of extinction of one or more *vangods* the surplus is divided amongst the remaining *vangods*. The rights of the extinct branch pass on to the other branches of the same *vangod*.

This criterion is today followed by all the communities which divide the surplus *per stirpes* although earlier, in some villages, the share allotted for a *vangod* was divided *per capita* amongst its members.

Not always did the rights of an extinct *vangod* pass on to the remaining *vangods*, *pro rata*. The community of Cola of Canacona for instance, had nine *vangods*. The first seven were of Prabhu-Desais, the eight that of Prabhu Konkars and the ninth of the Shenvis Kulkarnis. The fifth and the seventh *vangods* ceased to exist and, the share of the fifth was divided amongst the first and the third *vangods* and the share of the seventh *vangod* was divided amongst the second, fourth and the sixth *vangods* in equal parts, excluding the Prabhu Konkars and the Kulkarnis from any benefit whatsoever. Similarly, years back, In the village of Velinga of Ponda, its community divided the surplus into five *tokshims*. In consequence of the extinction of one of these *vangods*, the Prabhu Gaunkars and Gaunkars Foukars

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each received an additional one-fourth of the *tokshim*; the *vangod* of Kulkarnis got the other half whereas the Gadds continued to receive their usual share. In Marcaim of the same Taluka the rights of the third *vangod* of Bulo, on its extinction, passed on to the first *vangod*.

The communities which follow the system of division by *tangas* or *tokshims*, divide the surplus by the number of *tangas* allotted to each *vangod* and then subdivide it amongst their members. When the *tokshims* no longer belonged to the *gaunkars*, the subdivision was made amongst the owners of the plots who were registered in the books of the community.

Communities which apportion their surplus partly *per capita* and partly by *accoes*, often have *accoes* of a fixed value and others of variable value which, at times, correspond to a fraction of the *zon*. The division of the surplus in such communities is made in the following manner:— To begin with, the amount corresponding to the *accoes* of a fixed value is set aside. The shares of variable value added to the number of the members with right to *zon*, multiplied by the number of *accoes* that form each *zon*, act as divisor of the remaining surplus. The quotient shows the share of each *accas*.

Besides the four main systems referred to, there are other very peculiar systems of division of the surplus in many communities with the following important features:

— The income of *nomoshims* of the servants, reverted in favour of the communities, is enjoyed by the *gaunkars* to the exclusion of all other members (125). The communities of Azossim, Batim, Chora, Navelim, Malar and Neura (*o Grande*) of Ilhas Taluka, and of Nagoa and Verna of Salcete Taluka follow this practice.

— The *gaunkars* also enjoy the income of *accoes* that resulted from the conversion of some *interesses* which were exclusively theirs and from the *interesses* which belonged to the servants, *kulachars*, *vantels* and *kulkarnis*, reverted to the community. These shares are found in the communities of Jua, Mercurim and Naroa of Ilhas, Camorlim, Loutulim, Nagoa, Cansaulim,

Chicalim, Chicolna and Cortalim of Salsete under the name of *accoes dos jonoeiros*. At Verna, the *gaunkars* enjoy the income of five *accoes dos carpinteiros* and in Neura (*o Grande*) the *Leal de um terço de escrivania*.

— The *accoes do numero dos jonoeiros de 1881* are enjoyed by the members who have right to *zon* in the communities of Batim, Calapur, Carambolim, Corlim, Jua, Mercurim, Naroa and Navelim of Ilhas Taluka.

— The expenses with the *derrama* of the *Camara Geral*, the premium of the *sacadoria*, the salary of the doorkeeper and the *foros of melg* were a burden on the *accionistas* of Talaulim of Santana.

In the Novas Conquistas some expenses are borne by a certain *vangod* or some *vangods* alternately, as in the community of Adcolna of Ponda.

— The community of Calapur follows the system of division *per capita*. However, the income from fortyfive *covate* (paddy-fields) is divided *per stirpes* amongst the *gaunkars*, the income of fifteen being adjudicated to the members of the seventh *vangod* and that of the remaining thirty to other *vangods*.

— The communities of Cavelossim, Benaulim and Verna set aside a certain part of their annual income to be divided by the number of the *vangods*. In the first community it bears the name of *vangod porte* and in others of *vangod borni*. The first two communities subdivide *per capita* the allotment of each *vangod* and the third one does it *per stirpes*. The remaining part of the surplus is divided *per capita* in all these communities.

— At Corlim of Bardez there are nine *khunts* one of which belongs to the community and the remaining to private owners. The income of the *khunt* of the community is divided into nine equal parts, one being allotted to the *gaunkars* and the remaining to the *accionistas*. The eight *khunts* which belong to the private owners also share the deficit of the community if any.

— In some communities the *gaunkars* and the *accionistas* derive their income from lands separately earmarked for the purpose.

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As for instance, the community of Serula has some lands whose income is divided amongst all the members while others are exclusive of each group.

At Talaulim of Ilhas the members who have a right to *zon* enjoy two thirds of the income derived from certain lands and the remaining one third added to the income from other fields and to the *foros limitados* constitutes the share of the *accionistas*.

The income of some lands in the communities of Cavorim of Salsete and Camorlim of Bardez is exclusively enjoyed by the *gaunkars* whereas the income of the remaining lands is divided amongst the *accionistas*.

— Each *gaunkar* of the village of Raia of Salsete pays to his community ten *centavos* and the members *gentios da primeira*, *gentios da segunda* and *vantels* pay five *centavos* per head. The amount so collected is called *navim* and is subdivided amongst all the members.

— The *gaunkars* of the community of Vaddem have the right to share in the *interesses* called *navim* only if they are simultaneously *accionistas* of the same community.

— The community of Bambolim of Ilhas has as its members the *gaunkars*, *kulachars* and *accionistas*. The annual surplus is divided by one thousand shares and the income corresponding to six hundred and ninety seven shares is allotted to the *gaunkars*, the proceeds of two hundred forty nine shares to the *ku'achars* and the remaining amount is divided by fifty four inalienable shares and allotted to the *accionistas*.

— In the community of Cundaim of Ponda the surplus was divided by *tangas* or *tokshims of vangod* and the income from the lands allotted to each *vangod* was divided in proportion to their respective *tangas*. These lands were leased out through auction by the community.

— The community of Sancoale divides the surplus by shares. Earlier it had *zons* which were enjoyed by the *gaunkars*, *zons fateuzins* by *kulachars* and *tangas de arequeiras* collected from the owners of some coconut-gardens granted by way of *foro corrente*. Two parts of the surplus was divided by *tangas* and

the remaining part by *zons*. Subsequently, when the community was in deficit, the loss was shared in the same proportion by *tangas* and *zons fazeuzins* (126).

— The surplus of the community of Candolim of Bardez is divided by *accoes*. Earlier, there existed a paddy-field named *sovo* the income from which was enjoyed by the *gaunkars* only after the father's death (127).

— The community of Neura (*o Grande*) had *interesses* named *tangas de recam*, *leais de adveriks*, *vavans de Gopal Sinai*, *vavans de Sinai* and *leal do terco de escrivania*, converted into shares, maintaining their original names.

The surplus of the community is divided into 19,121 shares with the exclusion of the income from *nomoshins* of *gaunkars* and *adveriks* of *accionistas*. The amount corresponding to 4,376 added to the income from the *nomoshins* and from shares the *leal do terco de escrivania*, is allotted to the *gaunkars*. The remaining amount is divided among the *accionistas* of *tangas de recam*. The proceeds from the paddy-fields *adveriks* after deducting half per cent are divided amongst the *accionistas* of *adveriks*. The income from *vavans* is divided into three parts after also deducting half per cent. One third allotted to the *accionistas* of *Gopal Sinai*, the other third to the *accionistas* of *Sinai* and the remaining is subdivided, into three parts and allotted to *gaunkars*, one third of which corresponds to the *Leal do terco da escrivania*.

— Prior to the year 1842 the Desais and the Nadkarnis of the *torof* of Embarbarcem held the lands of the community sharing the *foros* due to the State and other expenses in the agreed proportion. In 1842 the system of lease-auction was initiated but the surplus was not divided till the year 1865. Then the Government ordered that the surplus be divided into two parts, one part corresponding to sixteen shares out of which twelve would be for the Desais and four for the Nadkarnis. The other half would be divided *per capita* amongst the members of both the groups on attaining the age of sixteen (128).

— In Anjuna, the surplus is divided by the number of *gaunkars* added to 387 which is equivalent to the number of the old *tangas* and by shares; in Sangolda $3\frac{1}{2}$ is added to the number of

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gaunkars, which is equivalent to *zons fateuzins*.

— The community of Borim divides the surplus into two equal *tokshims*, the first one for the three *vangods* of Phadie Desais and the second for the two *vangods* of *kulkarnis*. The second *tokshim* was subsequently subdivided into two parts and a part was allotted to the Desais in addition to their earlier share, and the other was given to the *kulkarnis*. However, it was later decided that the second *tokshim* was to be divided into five parts, three of which would be allotted to the Desais and two to the *kulkarnis* (129).

The Prabhus Ostikars were later granted their claim to share in the surplus and to participate in the lease auctions of the lands under the title of *bar*. The *Portaria Provincial* n° 49 of 6th March, 1876 laid down that the surplus and the loss be divided into two equal shares, one part being subdivided into as many parts as their *vangods* to the exclusion of the Prabhus Ostikars and the other by all the members, *per capita*, on attaining the age of sixteen including the Ostikars (130).

— The surplus of the community of Vaddi of Ponda was divided into sixteen and half parts, eight being allotted to the first *vangod* of *kunbis* and the remaining to the *vangod* of *kulkarnis*. The only paddy-field that belonged to the community was cultivated by both the *vangods*. The *kulkarnis* annually contributed to the community fifty *kandis* of paddy and the *kunbis* who were in charge of all the works of tillage and cultivation, contributed forty (131).

— In the community of Pissurlem, some *gaunkars* besides the *tokshim* of *vangod*, draw a certain amount called *vonton lagvott* and in Pale of Bicholim, several *gaunkars* similarly draw *moishar* and *sagilvar* in remuneration for the services rendered (132).

— The communities of Cusmane and Quepem have *tokshims* of common name such as the *tokshim* of *Balagi Sinai*, *tokshim* of *Bal Sinai*, *tokshim* of *Mota* and *tokshim* of *Sirvoikars*. The community of Quepem also has a *tokshim* of *gaunkars* and a *tokshim* of *kulkarnis*.

— In the community of Serula fortyfive *zons* belong to the group of *oleiros* and twentyfive to the group of the *mistiguidade dos*

umbrenkars, the actual number of their members being immaterial to the division of the surplus. The shares allotted to each one of these groups are subdivided by the number of the members thereof.

A part of the expenses of the Churches in this area is divided by the number of *sons* of the *gaunkars* in the respective Parish with the exclusion of Hindus and by the number of the shares in the following proportion :— Socorro, 2,489; Salvador do Mundo, 796; Penha da França, 473 and Velotim, 542.

— The community of Siroda had some lands which were leased out by auction, some granted as *kotumbans* and the others divided among its four *vangods*, subject to a contribution of 3,000 *Xerafins*, two parts of which were in silver and one part in copper or *rossados*. At the time of conversion of *Xerafins* into Rupees, the amount was rounded off at Rs. 1,500. Rs. 600 were allotted to the first *vangod*, Rs. 200 to the second, and Rs. 260 and Rs. 440 to the third and fourth *vangods* respectively.

— The community of Cuncolem divided the surplus into three parts namely: *Kaji Mohamad Sahabas*, *Kaji Mortuza* and *Kaji Kotumban*, allotting one part to the *Devalaya* of Shri Ganapathi Navelkar of Candola, the second to a christian family of Panaji and the third to the God Shri Venktesha of Nanora of Bicholim.

CHAPTER XVI

GAUNKARS V/S GAUNKARS

All the *gaunkars* with the exception of a few communities, generally enjoyed the same rights and honours in their community. The privileged *gaunkars* enjoy additional rights which can be clubbed within the following framework :

- Right to the customary honours;
- Right to elect and to be elected for the posts of management and of the members of the *Camara Geral*;
- Right to a more rapid ingress as member in the fold of their community;
- Right to vote and to bid with priority; and
- Right to a larger share in the surplus of their community.

The *gaunkars* of Taleigaum (Ilhas) are grouped into two classes. It is an exclusive right of the *gaunkars* of the first class to celebrate the feast of *Novidade* and to draw the *zon* of Honour and Preeminence. It is from this group that the *Acordados* for the management and the members for the *Camara Geral* were selected. The second class *gaunkars* besides being deprived of

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the above privileges, did not have the right to bid in the lease and other auctions.

Prior to 1850, the *gaunkars* of the first *vangod* of the community of Naroa (Ilhas) received only one fourth of the *zon*, while the second received one and a quarter and the remaining two received one *zon* each.

The *gaunkars* of the first *vangod* of the community of Corlim (Ilhas) have the right to an additional *zon* of a fixed value named *zon of Norso*.

The *Acordados* representing the community of Neura (*o Grande*) in the *Camara Geral*, enjoyed the privilege of the first vote in the *nems* of the *Camara*, as a right of preeminence.

The community of Calapur (Ilhas) on the extinction of some *vangods*, remained with eight and a half, the seventh being the half. The first three *vangods* annually elected members for the management board and for the *Camara Geral*. The seventh *vangod* elected their members for the above posts every two years and as representatives of the tenth *vangod*, after every ten years. The *gaunkars* of the first three *vangods* also had the exclusive right to bid in the auctions, to celebrate the feast of *Novidade* and to receive the proceeds of the plots named *Nomoshim-Patte*.

Some few families of the first five *vangods* of the community of Saligaum (Bardez) had, to the exclusion of the other members, the right to celebrate the feast of *Novidade*.

In Anjuna the Brahmins have the right to be enrolled as *gaunkars* at the age of ten, whereas the Chardos and Gaudos at fifteen.

The twenty eight *vangods* of the community of Margaum were clubbed into four *votos* accordingly : - 1st. the members of the first five *vangods*; 2nd. those of the following seven *vangods*; 3rd. the fourteen following next and lastly the remaining *vangods*.

The *gaunkars* of the ninth *vangod* of the community of Deusua (Salsete) did not have the right to vote and in Utorda of the same Taluka, the members of the *vangod* of *Catins* were also deprived of the same right.

After the extinction of the second *vangod* of the community of Mormugaum, the first received from the surplus an amount corresponding to nine *zons* while the members of the third *vangod* received twenty eight at the age of ten to twelve and henceforth nine additional *zons*.

The community of Tiurem (Ponda) had three *vangods*, the third being of the *kulkarnis*. From 1892 the surplus is divided into *accoes*, but prior to this date the division was into five *tokshims*. One *tokshim* was allotted to the first *vangod* and the remaining four to the second. Although the third *vangod* did not share in the surplus, it had the right to bid in the lease auctions (133).

The net income of the community of Surla (Bicholim) is divided into six *tokshims*, five being given to the Brahmin *gaunkars* and only one to the Naik *gaunkars* (marathas).

In the community of Latabarcem (Bicholim), the sixth *vangod* (of Gaddis) have a right to a half *tokshin* and the other five *vangods* (of marathas) to one *tokshim* each.

The members of the first *vangod* of the community of Cugira (Ilhas) enjoy the proceeds of the paddy-field *nomoshim-patie* as a privilege of honour and preeminence.

The *gaunkars* of the first *vangod* of the community of Chorao (Ilhas) drew the *zon de preeminencia* to the tune of 00:01:22½ *xerafins*, the *gaunkars* of the second *vangod* 00:00:73½ *xerafins*, those of the third, fifth and ninth 00:00:24 *xerafins*, whereas the other *vangods* did not have a right to it.

In the community of Batim (Ilhas), the proceeds from the paddy field of *Honra e Preeminencia* are today distributed amongst all the *gaunkars* to the exclusion of the other members. As it is recorded in the minutes of 10th August, 1782, this amount belonged to the fifth and thirteenth *vangods* now extinct (134).

The first *vangod* of the community of Siroda (Ponda) had the right to 600 *tokshins* and the fourth to 440 *tokshins*. The second and the third had only 200 and 260, respectively.

The first *vangods* are not always the most privileged ones, nor the order in the enumeration thereof corresponds to any hierarchic position among them. The privileges are mostly based on the system of *varnas* and sub-castes and, therefore, they exist more frequently in the communities of heterogeneous constitution.

The right for the celebration of the feast of *Novidade* is not a privilege in the Novas Conquistas notwithstanding the fact that *Novem* is celebrated in almost all the villages of this area. However, once the religious ceremonies of *Novem* are performed, the *chirmuleanchi vatti* is distributed amongst the *gaunkars-mahajans* according to a certain hierarchy among them. This custom still exists in some communities of the Velhas Conquistas. A certain quantity of *phoe* or *fou*, in place of *chirmileous*, is distributed amongst the representatives of the *vangods* and other invitees at the end of the religious ceremony of *Novidade*.

The privilege of a major share in the annual surplus of the communities of homogenous constitution, does not find a satisfactory explanation. Some historians therefore, preferred to attribute it to an arbitrary division, while others support that the share of each *vangod* should correspond to the volume of the lands which the *Kul-Purusha*, the founder of the respective *vangod*, may have contributed towards the community.

Both these thesis do not appear to have support in historical facts, since there is nothing that can lead one to accept such arbitrariness. On the other hand, the evolution of the ownership rights in Goa does not appear to have been from the individual to common ownership.

CHAPTER XVII

SERVANTS

THE *gaunkars* after having settled in the villages, invited servants and offered them plots for construction of their houses. They also ceded cultivable lands and those under cultivation known as *nomoshins* or *nomos*. These lands were to be enjoyed subject to service being rendered perpetually to the community and to the Temples.

Such plots are found in many villages under the name of *maleachi nomos* (of the barber), *vinaneachi nomos* (of the blacksmith), *tariachi nomos* (of the boatman) and others, incorporated in the estate of the communities or in possession of private parties.

The concession of such plots of land was usually without *foro* as it was not an emphyteusis. However, the same was not a gift since it was subject to the obligation of rendering service in accordance with the old custom which were maintained by the *Foral* of Afonso Mexia.

In some villages there are *nomoshins* which pay *foro*, as for instance, at Borim of Ponda. According to the tradition the *foros* had been established because on evaluating the *nomoshim*,

its income was found to exceed the remuneration agreed upon. The *foro* therefore corresponded to the excess.

Besides these *nomoshins*, the communities sometimes paid to some of their servants and to the servants of the village Temple, a fixed pension in cash, known as *vonton*. At Borim of Ponda, the *Bhat* (priest), the *modvoll* (the washerman) the *malo* (the barber) enjoy only the *nomoshim* while the *vinani* (the blacksmith) simultaneously receives a fixed pension under the title of *inam* or *vonton*.

The community of Amona of Bicholim pays a similar pension to the *mahrs* (Harijans) of Bordem and at Usgaum the same is given to the *malos* (barbers). At Sirvoi of Quepem the barbers receive pension as *gramkorch* and at Sheldem of the same Taluka, *grankorch* is paid to the *kulkarnis* who in many other communities receive *vonton*. The community of Bandora instituted an annual pension in favour of the musicians of the Temples and of the *katkars*. The others enjoying these pensions are the *pernis* at Cola of Canacona, the *tashildhars* at Loliem, the Brahmin bearer of the *raiss* of the Muths of Partagale and Gokarn in Gaundongrem, the Brahmin bearer of *cokiprasad* at Nagorchem-Pololem, and the *bavins* (devadasis) in Vainguinim of Bicholim and in almost all the communities of the Ponda Taluka.

The *vontons* had the same characteristics as the *nomoshins*, being perpetual rights or rather rights enjoyed as long as the service was rendered by the grantees or by their descendants. However, many *vontons* and other similar rights are found in possession of third parties, including *gaunkars* who, in spite of the beneficiaries of such rights having ceased the work agreed upon, still enjoy them.

Other than the remuneration received from the communities, the servants had no right to demand additional payment from the *gaunkars*. However as per the custom, they received gifts (*musar* or *mojuri*). Each family of *gaunkars*, as a quasi-obligation,

gave to the servants rice or other gifts at the time of harvest, religious festivities, childbirths and thread ceremonies.

The servants also received additional gifts for some specific services. For instance, at the weddings the Hindus raised a kind of throne (*sovo*) used during the religious ceremonies and subsequent customary practices, by the bridal couple. The arrangement for the *sovo* was entrusted to the *modvoll*, the washerman of the family. At the end of the religious ceremony, in accordance with the custom, the bridgroom's father had to place before the bridal couple a certain quantity of the husked rice—a quantity that would do him honour and correspond to his social position. Similarly, the bride's father placed double the quantity. Some couples among the most distinguished invitees were then called to assemble before the bridal couple in two rows and join in some sort of rice-throwing entertainment (*mouz*). Later, the *modvoll* had a right to take away the rice for his consumption.

The *bavin* (devadasi) played her role by tying a knot on the *pallov* of the bride and the *valo* of the bride-groom as a token of alliance, a little before the auspicious moment of the *murt*. She was also expected to accompany the bride to the husband's house after the marriage and there undo the knot, during the *kanjin* ceremony. For the services rendered, she received a *sari*, rice and other gifts.

The *mulli*, referred to as *first gaunkar* by the *Edital da Inquisiçao de Goa*, enjoyed many privileges in the respective village. He had the right to receive gifts prior to and soon after the marriage ceremony. The *Foral* of Afonso Mexia does not refer to this privilege, but states that the *first gaunkar* had the priority for cultivating their fields and for thatching their houses. It also states that the *bailadeiras* (devadasis) had the obligation to dance at the houses of the *first gaunkars* before they could perform elsewhere.

The letter of Manuel Joao Vieira dated 11th January, 1698 to the king of Portugal and other old documents show that the *mulli* was not a *gaunkar* at that time but a mere servant of the

Temple in charge of the ceremonies to propiciate the local Gods and Spirits.

The functions and rights of the *mullis* or *zolmis* were abolished in the Velhas Conquistas as a result of the *Edital* of 1736. However, in some other localities they continued to exercise their customary functions and received gifts such as *mutts* (handful) of rice for each *bandi* cultivated in the region under their spiritual jurisdiction.

As per the custom, the other servants of the community enjoyed similar opportunities of service thus being assured of the wherewithal to live.

The servants of the communities were permanent officials and in case of their dismissal for breach of duties, they were substituted by members of their family.

In spite of the above custom being maintained by the *Foral*, at the time of religious persecutions by the Portuguese, many *kulkarnis* from the Velhas Conquistas were forced to give up their posts by an Order of the Viceroy D. Antao de Noronha which was at the request of the members of the *Primeiro Concilio Provincial* (135). The Order also established that no infidel could be serving in a public Office (136).

In course of time the villages witnessed a number of changes. A new life style was being adopted by the people mainly in the Velhas Conquistas as a result of the close contact with western civilization. The servants gave up their ancestral functions since new horizons were thrown open to them and the old system could hardly satisfy the exigency of time. The income from *nomoshins* and other sources were also found insufficient to provide for a comfortable living.

The post of the *kulkarnis* ceased to be hereditary and appointments were made through public examination, thus displacing many a *kulkarni*.

As a result of the above two issues, the Government was faced with the problem of deciding whether the servants who

left the service voluntarily and those who failed to qualify at the examination were to continue to enjoy the right to *nomoshim*, *vonton* and such other pensions. They decided that the above concessions did not involve the rights of ownership, these being a mere transfer of the income from the lands granted. As such, the servants having ceased to perform their duties were no longer entitled to this remuneration and the rights would revert to the respective community.

In view of the above, the Government ordered that the displaced *kulkarni* who wished to enjoy the *nomoshin* and *vonton* should pay to the new *kulkarni* the salaries as per law (137).

As regards the servants other than the *kulkarnis*, the law of 1849 promulgated during the governance of Jose Ferreira Pestana, reverted the *nomoshins* to the communities giving no option to the servants who ceased to render the services assigned to them. It also provided them with no compensation whatsoever for lands brought under the plough and for the improvements made therein (138). Through a fresh legislation, the Government ordered that the *nomoshins* would be converted into emphyteusis and that a *foro* be paid to the community by the ex-servants or their descendants equivalent to the amount which each servant would receive, if earlier, his services were to be paid in cash.

The various wards named after the professional class of the servants of the communities, like as *kumbar vaddo* (of potters), *mesta vaddo* (of carpenters), *mahr vaddo* or *mahradd* (of harijans), are the vestiges of the old system of settlement of the servants, always grouped according to their casts and classes (139).

CHAPTER XVIII

"MORIAD"

THOSE who failed to obey the norms of the *Institutos Organicos* and the Orders of the communities were punished with *moriad*. This *moriad* was at times by way of disciplinary action or as compensation for losses and damages.

Much before the Portuguese domination, *moriad* was imposed on the *Acordados* when they abstained from attending the meetings and for acts of misconduct.

In 1643 the *Acordados* of the community of Raia, were awarded a *moriad* of six *barganis*, each time they remained absent from the meetings. The *bargani* corresponded to one fourth of a *tanga* or to 24 *reis*. The other communities of Salsete Taluka imposed a penalty of half a *tanga* for the first default, one *tanga* for the second and an additional half *tanga* for every subsequent default. However, in 1852 the law established a uniform *moriad* for all communities to the tune of 300 *reis* for each absence. It also prescribed that if an *Acordado* was absent for three consecutive meetings during the six months term, he would lose his rights of *gaunkar*.

Such a punishment was also given to the lease holders of paddy-fields when the works of tillage were neglected. The

communities adopted the law of Manu and withdrew the lands earlier leased whenever the lessee failed to cultivate them at the time fixed by the *Kamat* of the village. These lands were given to other tillers without payment of rent since the defaulters were liable for the said payment. Further, if it was proved that the lease holders acted without a just cause, they would be subject to *moriad*.

In 1739 the penalty of *moriad* was determined and fixed at hundred *xerafins*. A default by the lease holder would deprive him of the right to the auction of the paddy-fields for three years. A reincidence would deny him the said right for nine years and he would cease to have this right if his duties were neglected for the third time.

Much prior to the codification of the laws of communities, the old customs and usages had established norms that did not permit their lessees to avoid the payment of rents. It was an established norm that only those who had a sufficient income would be allowed to bid in the auctions, and that the *zons* of the lease holders were to be adjusted towards the rent which was due to the community, in spite of the existence of other creditors. It was also a norm that the lease holders would not be allowed to take away the harvest from the treshing ground without payment of rent. Any contravention to the said rule would result in imprisonment and public flogging.

If, through unforeseen circumstances, the lands did not produce the normal yield, the lessees had the right to forego a part of the rent proportionate to the loss. In spite of this benefit, there were frequent delays in payment of rent, and the lease holders were thus punished with *moriad*, equivalent to the interest accrued and the expenses sustained for the recovery (140).

Lastly, when the system of distribution of the surplus by *tangas* was followed, the communities punished with *moriad* the *vangods* which failed to pay their annual contribution towards the expenses within the stipulated time.

The communities generally adjusted the dues of the *vangods* with the *tokshim* of the surplus to which they had a right. In some communities, however, the *vangods* were debarred from their enrolment as members and those earlier enrolled were deprived of the annual *matricula*, till the said payment was made and on complying with the payment of *moriad*. In 1881, for instance, the community of Deusua of Salsete obstructed the *matricula* of the members of its eight *vangod* as they did not pay the *moriad* within the prescribed time.

CHAPTER XIX

COLLECTION OF DUES

THE *Foral* of Afonso Mexia makes no reference to the system of collection of *foros*, rent or such other assets of the communities and also to the collection of the imposts due to the national exchequer which the communities were entrusted with.

The *Foral* vaguely states that the *gaunkars* along with the clerk of the community, were to collect the rent (tax) from the tillers and other persons who had their properties within the boundaries of the village.

The *Regimento*, 1530 refers to an agent known as *mucadao* (*mukdam*) on whom, prior to the Portuguese domination, the collection of *foros* was incumbent.

The *mukdam* must have been an employee of the communities and not of the Government since the local Rulers collected the *foros* and imposts through the communities, a system which was adopted by the Portuguese and followed upto 1901 (141).

The *Foral*, while enumerating the officials of the communities with right to *nomoshim*, refers to *rendeiro*. This expression means lessee and also an agent for collection of the rent and imposts.

The servants or agents with only a permanent and hereditary appointment had right to a grant by way of *nomoskim*. In many communities however, there were lands, the income of which belonged to some non permanent agents elected or appointed to the management. These lands were not transferred to the title holders of the above posts, but their income was temporarily enjoyed by them.

The *Foral* does not refer to this system, but only to the *nomoshins*, giving to the *rendeiros* the right to a perpetual and hereditary grant. In view of this, the *rendeiro* could not have been selected through auction of the service nor as an agent for a definite and limited period. This leads one to infer that the communities had a life-time agent entrusted with the collection of their rent, holding a hereditary post just like their other servants.

In 1735 for the first time, the law for the collection of rent and taxes was enacted. The *Regimento* of that year instituted the *sacadoria* headed by the *sacador* who was directly and personally responsible for the said rents and taxes.

The auctioning of that service was an old system in Europe and the successful bidder in Portugal was designated *sa ador*. Hence the expression *sacadoria*.

Many years before the said *Regimento*, this system of collection was in force in Goa. Evidence of this is given by the minutes of the meeting of the community of Serula of Bardez dated 16th February 1674. The person entrusted with the collection was called *Pottikar* and was chosen by public auction. The minutes incorporate the rights of the *Pottikar* and his duties, the criterion for levying taxes, the time of collection, the purpose to which they were to be used, the penalties for acts and abuses, the system of compulsory collection and the sureties to be offered by the bidders of the service.

It is not known whether the system was established by any *Carta Regia* or if it was an old custom of the community, but it was always followed for the collection of *Devakhorch* and similar levies in the Hindu Temples.

COLLECTION OF DUES

According to the old fiscal system, every community had to pay to the public treasury a certain tax, whether they succeeded or not in collecting it from the owners of the lands and their lessees.

A review of the *Foral* of Afonso Mexia shows that the communities collected a surcharge over and above the amount due. This fact is sufficiently clear since the *Foral* states that, if the amount collected should exceed that due to the State, the respective community would remain with the excess just as it would pay the shortage whenever the collection failed to cover the total amount due.

With the institution of the *sacadoria*, the communities transferred to the *sacador* the collection of the dues with all the inherent rights and responsibilities. The communities were thus assured of the amount of *foros* and taxes to be paid to the Government and also of their own rent and other income, since the *sacador* would pay them the total amount which he undertook to collect.

The post of *sacador* was probably highly profitable since, the auctioning of the service of *sacadoria* was always sought after and disputed. There were many contenders for the job who offered to render service with no remuneration and who were ready to pay to the community a considerable premium — *savan-zovam* — in order that the *sacadoria* be adjudicated to them.

This premium was banned in 1842 and restored in 1846. It was once again prohibited in the next year because, such an offer presupposed some dishonest exploitation on the part of the *sacador* (142).

The *sacador* was one of the key-holders of the coffer of the communities with the following duties :

— To collect the income of the community by way of the rent, the *foros of Kotumbans*, *foros of siristo* and other receipts.

— To collect the *foros of prazos* and rent of the *nomoshins* which belonged to the State and to pay it in four quarterly

instalments to the national exchequer.

— To pay in four quarterly instalments the *derrama* of the *Camara Geral*.

— To pay the successful bidders their dues, for the works carried out for the community and to the other creditors, at the time of maturity of the debts.

— And to pay *zon* of the *gaunkars* and the share of the *accionistas* after the division of the annual surplus.

The *sacador* was authorized to use the "Administrative Execution Proceedings" for the collection of his dues. These were summary proceedings and therefore more rapid and less expensive than the "Judicial Execution Proceedings". He had also the right to apply for the corporal punishment of his debtors.

The *tolluks* were the guards of the plantation in the lands of the communities and as such, no cultivator could take away the harvest from the threshing grounds without seeking their permission.

The private land owners, on payment of a certain amount to the community, could use the services of the *tolluks* for guarding their crops.

In some communities the salary of the *tolluks* was paid from their funds whereas in other communities it was shared by the tillers in proportion to the area and production of the lands.

The *tolluks* in many communities had, besides their fixed remuneration, some prerogatives. For instance, in the community of Goltim of Divar, they had the right to fish with *cantai* and *vendi* nets once a year. In few other communities they cultivated without payment of rent some paddy-fields.

As a subsidiary norm, the *tolluks* of the coconut groves were governed by the minutes of the *Conselho de Fazenda* dated 29th March 1631, as regards their rights and duties (143).

COLLECTION OF DUES

The *feis* were assistants to the *tolluks*, maintaining an inventory of the crops and reporting a short fall in the produce if any. They also helped the *tolluks* at the time of plucking and harvesting.

The *sacador*, the *tolluks*, the *feis* and their sureties were jointly and severally liable to pay the amount which the *sacadoria* owed to the community and to the State. As such, the *sacador* was not allowed to bid the services of the *tolluks* or of the *feis* and to stand as surety for them or *vice versa*.

The other members of the managing board had to ensure that the surety given by the members of the *sacadoria*, was sufficient to make good the amount, which the *sacadoria* owed to the community and to the State. A breach of this duty made them responsible to bear the shortfall in the surety in case of default of payment by the *sacadoria*.

The *Regimento das Comunidades*, 1735 permitted all those having sufficient solvency to bid in the auction of the *sacadoria*. However, the same was treated as a privilege of the *gaunkars*. The *kulkarnis* who enjoyed equal rights with the *gaunkars*, competed with them upto 1845. Thenceforth, the *kulkarnis* in service of the communities were prohibited to participate in these auctions and also to stand as surety to the successful bidders. In 1851, the Government allowed all the members of the community with the exception of these *kulkarnis*, to bid in the auction of the *sacadoria* (144).

The system of *sacadoria* was initially prevalent in the three *Talukas* of the Velhas Conquistas being introduced in the Novas Conquistas a century later (145).

Prior to this, the *Portaria da Junta de Fazenda* dated 19th September 1838, established in the Novas Conquistas the post of the *sacador* appointed by the communities. Notwithstanding this appointment, the *gaunkars* and *Desais* continued to collect the rent and taxes, leaving the *sacador* with the debts that were not recoverable.

The *Bando* of 22nd July 1841 was an effort of the Government to do away with this situation. However, this measure failed to give the desired results and as such, in the year 1845, the legislation which was applicable to the Velhas Conquistas, was made extensive to the communities of the Novas Conquistas.

The *Codigo das Comunidades*, 1904 did away with the services of the *sacadoria*, maintaining only the *tolluks*. The duties of the *sacador* passed on to the treasurer who would now be responsible, along with the other members of the managing board, for the income which had been collected.

The subsequent legislation was in line with the Code of 1904 with necessary amendments, for a more efficient collection (146).

CHAPTER XX

FEUDATORIES

THE administrative set-up in Goa, from time immemorial followed a feudal system. The Desais, Subedars, Parpotkars, Nadkarnis, Mazumdars, Potguis, Danguis were all feudatories.

These officials enjoyed vast lands (*inams*) or entire villages (*mocasso*) for the services rendered. Besides, they collected professional and agricultural taxes namely *chorguem*, *paski*, *tuntviero*, *chobin*, *zolcaly*, *cumar* and others. They had also a right to some pension paid by the communities in the area under their jurisdiction.

As the *inams*, the *mocasso* and the pensions instituted by the Kings were inalienable and they ceased on the demise of the feudatories, on the death or by the dethronement of the King and on the expiry of the term for which they had been granted. On the contrary, the pensions paid by the communities were permanent and devolved upon the surviving eldest son of the feudatory. They were inalienable and not liable to be partitioned among the heirs, too.

In the 17th century the Desais and other feudatories who

under the local Kings, were involved in the defence of the Novas Conquistas, fled to the neighbouring kingdoms. Later, they very often infiltrated into Goa to harass the villagers and cause devastation to the harvest. This unpleasant situation was experienced till both, the feudatories and the Portuguese could fight no more.

The agreements between the Portuguese Government and the feudatories were signed during the period 1788 to 1813. The Portuguese promised to restore whatever they had lost and to defend them under the Royal Flag. The feudatories in turn, swore vassalage and undertook to defend the territory against the invasion of the Marathas (147).

In view of this, the Rao Desais of Arabo, Lamgaum and Rivem, the Prabhu Desais of Parcem and Maulinguem, the Rane Sardesais of Sanquelim, the Suria Rao Desais of Bicholim and Naroa and the Pratap Rao Sardesais of Ponda returned to their villages with their old rights over the lands, villages and to the taxes and pensions paid by the communities.

The other feudatories preferred to remain in their villages, submissive and without meddling in the affairs that could bring them the displeasure of the new Rulers. These feudatories enjoyed the grants of the Rulers of yore and the old privileges, under the umbrage of the *Bandos* which assured to the inhabitants of the Novas Conquistas the old customs and usages.

The grant by way of *mocasso* not only transferred to the grantees the right for collecting taxes from the villagers, but much wider powers. The Viceroy, the Count of Ega granted in 1764 to Padma Bhat Saratri the village of Querim of Ponda in consideration of the outstanding services rendered by him and by his father as emissaries before the neighbouring Rajahs. The above grant gave him the right to collect from the villagers the *foros* and other taxes which they paid to the State. The grantee, not content with this privilege, submitted to the Government that his ancestors had this village as their *mocasso* and that they had the right to administer the lands of the village and to enjoy its rent just as was enjoyed by other grantees in the villages of Queula, Nirancal, Cuncoliem and Vaddi. An inquiry was then

held which revealed that the four villages referred to above were totally made over to the feudatories. As a result, the petition of the grantee was allowed (148).

The *gaunkars* in the villages that were under the feudatories, were reduced to utter misery and were forced to give up their right in the communities (149). As such, the communities of Satari and some of Pernem and of the Southern zone ceased to exist. (150). The same factors probably, contributed towards the grabbing of several communities by the feudatories in the area of Panchmall of Zambaulim.

Many communities of the Novas Conquistas still pay to the feudatories a substantial amount under the designation of *sarnadkarn, fornias, formas passodi, tainat, tença, vonton* and *hack*. These expenses which are compulsory like those of the Hindu and Catholic cults, are shared by the *gaunkars* in case the accounts of the communities show a deficit.

CHAPTER XXI

CULT

THE communities built the Temples of the village and made provisions for their maintainance. They transferred fertile lands in their favour for ordinary expenses and for remuneration of the servants (151). Besides, the communities also contributed monetarily for the salaries of the servants and for the expenses of certain religious ceremonies.

The pecuniary contributions are generally of a fixed amount which sometimes varies depending upon the auction of the concerned service. For instance, these contributions vary from year to year in regard to the expenses for the *zagor bogavol* at Betora, the *zagor samaradn* at Nirancal, the festivity in the Temple of Shri Vetaleshwar at Velinga, in the Temple of Shri Shantadurga at Candepar, in the Temple of Mandodari at Betki and in the Temples of Shri Shantadurga, Shri Ananta and Shri Kaminidevi at Verem. In some villages the amount earmarked for the expenses of *Nandadip* and for the illumination of the Temples is also variable.

Following are the important fixed contributions of the communities :

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— *AGNIARTI*—paid to some priests by the communities of Advalpale, Pissurlem, Dumashem and Mencurem.

— *DHARMAJAVA*—remuneration of the priests in Pale, Pissurlem, Surla, Mulgaum, Cassabe of Bicholim, Betora and Nirancal of Ponda.

— *DEVAKHORCH*—used for religious ceremonies in the village of Mulgaum.

— *GRAMKHORCH*—instituted for religious acts in the villages of Chaifi, Avedem, Cusmane, Quepem, Sirvoi, Sheldem and Cacora.

— *GRAMDALOPA* and *GRAMMOST*—the first one is found recorded in the community of Boma and the second one in Cotombi of Bicholim.

— *HACK*—was instituted by many communities in favour of Temples, *Muths*, *gaddis*, *zotishis*, bearers of the *raiss* of the Partagal Muth, the Bramhin of *Kshetra Gokarn* and other servants.

— *VONTON*—a contribution of the community of Sheldem in favour of some Temples and of the Muth of Queula.

— *VORSASSONA*—paid by the communities of Colomba, Rivona, Ambaulim, Cusmane, Pirla and Adnem of the Southern zone to Temples and their servants.

— *MOHINIBAB* and *PAVNER*—the first one is found registered in the records of the communities of Ambaulim, Cusmane, Sheldem and Cacora and the other in Amona of Bicholim favouring the Shri Ravalnath and Shri Betall Temples.

Both the Hindu and Christian *gaunkars* of the communities in the Novas Conquistas help meet the expenses of the Hindu Temples and their servants. Similarly, the Hindu members in the Velhas Conquistas contribute towards the expenses of the Church when there exist a *zon dos Santos*. In the communities where such *zon* do not exist, each group defrays the expenses of his own cult. As such, the Catholic members in the communities of Anjune, Serula and Aldona bear a part of the expenses of

their Churches. The Hindu members in the village of Aldons share in the expenses of their Shri Bhagvati Temple, now shifted to Candola of Ponda. This contribution is paid by the communities from the *zons* of the respective members.

There are communities which have granted *vontons*, *vorsas-sona* and *formas* to Goan Temples outside their village and have sometimes favoured with such grants Temples of Shri Vittal of Pandarpur and Mahableshwar of Gokarn (152).

The grants of *formas* and *hack* favouring *Muzavors* and *Kajis* are found recorded in the books of the communities of Adcolna, Verem, Orgaum, Candepar and Marcaim of Ponda.

The communities of Pilgaum, Surla and Cassabe of Bicholim and the communities of Nirancal, Bandora, Betora, Candepar, Volvoi and Talaulim of Ponda pay *hacks* to the God Pir. In few villages the communities pay *vonton* to *Kans* (priests) in Mosques of God Pir which are affiliated to Hindu Temples.

Usually, all the contributions referred to above, were set aside from the gross income of the community. The community of Adcolna however, pays by rotation a certain amount from the *tokshims of vangod* to the Temple of Shri Durga Gramdevi.

All these monetary benefits either in favour of the Temples or their servants, were initially inalienable. Besides, those favouring the servants were subject to rendering some specific services.

In course of time, the benefits enjoyed by the Temples remained unchanged, whereas the grants received by their servants became marketable and passed on to the families that are alien to the initial grantees.

CHAPTER XXII

"COMUNIDADES COMISSAS"

COMMUNITIES which could not pay *foros* and other taxes to the national exchequer, were known as *comunidades comissas*. This definition was later widened covering the total desertion of the *gaunkars* and the extinction of a community on the death of all its members.

On the basis of the old customs, the *Foral* of Afonso Mexia empowered the Tanadhar to make over the administration of the *comunidades comissas* to the principal communities of the respective Taluka (Camara Geral). The lands of the remiss communities were given on lease through public auction and the rent therefrom being insufficient to cover the amount of *foros*, the deficit was shared by all the communities of that area which normally contributed towards it.

The *gaunkars* of a *comunidade comissa* did not lose their rights over the lands since these could be reverted on their paying the *foros* due to the State and the amount duly spent by the communities in charge of the administration,

The *Regulamento das Comunidades*, 1882 and the subsequent laws ordered the lands of the *comunidades comissas* to be sold

and that, on deducting twenty annuities of *foro* from the sale amount, the remaining be distributed amongst their members.

In the event of dissolution of a community for want of *gaunkars*, however, the amount received from the sale would be spent for the establishment of an agricultural school, agrarian bank or for other similar purpose in the area of the respective Taluka. The communities that would enjoy this benefit had to bear the shortfall in case the amount collected was insufficient to pay twenty annual *foros*. (153).

In the first two centuries of the Portuguese domination, the Government seized the lands of some communities for non-payment of *foros* and granted them on emphyteusis to private parties. Although many communities were later declared *comissas*, the sale of their lands was never ordered nor did their *gaunkars* attempt the division of the assets. There are communities whose accounts still show deficit and their members share amongst themselves the taxes and whatever is necessary to meet their expenses.

CHAPTER XXIII

"CAMARAS GERAIS"

EVERY Taluka had an Assembly of elders with powers to decide upon common community matters. Such bodies which existed under the Rule of local Kings, continued their functions during the Portuguese domination, as *Camaras Gerais* and later *Camaras Agrarias*.

As per *Foral* of Alfonso Mexia and other old documents, they were also entrusted with the administration of the communities which were unable to pay the *foros* to the national exchequer on account of the deterioration of their lands.

Besides these functions, the *Camaras Gerais* had the power to decide upon some criminal matters. As such, the President of the *Tribunal de Relacao de Goa* by his *oficio* of 14th May, 1841, ordered the restoration to the *Camaras Gerais* of Embarbarm and Canacona the judicial powers which had been usurped by the *Camara Geral* of Ponda (154). On 15th September, 1840 the Judge of the *Comarca das Ilhas* issued certain guidelines in respect of criminal proceedings to be followed by the *Camara* of Ponda.

Nine years later, the *Administrador Fiscal das Novas Conquistas*, at the request of the Chief Secretary dated 7th November, 1849 stated as follows :

— Out of nine *Camaras Gerais* of the Novas Conquistas, those of Ponda, Bicholim, Pernem and Canacona had powers to try criminal cases in the respective Taluka. Fourteen persons were selected from the other five *Camaras Gerais* of the Province of Zambaulim, to constitute the *Camara Judicial*. Two of these members were from Cacora and the *Camaras* of Astagrahar, Embarbarcem, Balli and Chandravaddi contributed three each.

The *Camaras Gerais* also acted as intermediaries between the communities and the Government. They submitted to the Government whatever the communities had to say about the social welfare, conveyed to the communities the decisions or orders of the Government and proportionately divided amongst the communities the *finças* (subsidy due to the Government) which was to be collected by the respective *Nadkarni* and *Sacador* (155).

The most important communities of each Taluka elected the representatives for the *Camara Geral* by following a system similar to the selection of *Acordados* for the management. In some communities they were elected by privileged *gaunkars* and in few others through rotation amongst the *yangods*.

The members of the *Camara Geral* besides being paid in cash, received in several villages the proceeds of certain paddy-fields and also enjoyed some privileges (156). In spite of this, the *gaunkars*, during the last centuries of the Portuguese domination, tried to avoid being elected for the post and therefore, a Code of rights and duties was enacted (157).

The expenses of the *Camaras Gerais* were shared amongst the communities of the respective area in proportion to their income, this contribution being called *derrama*. Besides, some communities of the Novas Conquistas also paid a fixed amount named *sarnadkarn* and *camara vonton*.

The *Camaras Gerais* in the Velhas Conquistas had twentyone communities of Brahmins and only eight of the other classes thus leading writers to conclude that the *Camaras Gerais* were

instituted by Brahmins. This conclusion however, does not hold good since in the Novas Conquistas the *Camaras* were predominantly constituted of communities of Marathas, Kshatrias and Sudras.

In the Velhas Conquistas, when a community which was a member of the *Camara Geral* ceased to exist, the same was not replaced by another new community. For instance, as a result of the death of all the *gaunkars* of the community of Gancim, the communities of Neura (*O Grande*) and Calapur were called upon to give one extra representative each besides their usual ones. In the following years the other communities would in turn contribute, as per the order in the list of members.

There were three *Camaras Gerais* in the Velhas Conquistas, namely of the Ilhas, Bardez and Salsete. The *Camara* of Ilhas was constituted of the communities of Azossim, Batim, Calapur, Carambolim, Ella, Gancim, Morombim (*o Grande*) and Neura (*o Grande*); that of Bardez of the communities of Serula, Aldona, Assagaum, Calangute, Candolim, Nachinola, Parra, Pomburpa and Saligaum and the third of the communities of Margaum, Curtorim, Loutulim, Raia, Benaulim, Betalbatim, Colva, Cortalim, Quelossim, Nagoa, Sancoale and Verna. Each community elected two representatives.

In the 19th century, Novas Conquistas had nine *Camaras Gerais*, namely Ponda, Astagrahar, Embarbarcem, Balli, Chandra-vaddi, Cacora, Canacona, Bicholim and Pernem.

The *Camara* of Ponda was constituted of the communities of Borim, Queula, Bandora, Marcaim, Cundaim, Priol, Querim, Candeapar, Verem and Siroda, each community being represented by not less than two and not more than four *gaunkars*.

The *Camara* of Astagrahar consisted of four communities: Collomba, Curdi, Rivona and Netrauli. Besides, a *Nadkarni* was elected by the Desais and *gaunkars* of these villages at a joint meeting.

The *Camara* of Embarbarcem was elected at a meeting of the Nadkarnis of the Province and the Desais of the following

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eleven communities : Surla, Aglota, Colem, Sigaum, Calem, Sirsodem, Uguem, Shelpem, Salauli, Muguli and Moisal. Each of them had four to eight representatives.

The *Camara* of Balli was constituted of the communities of Cavorem, Naqueri, Balli, Adnem, Fatorpa, Pirla, Quitol and Quedem. Each village had one representative besides one Nadkarni elected by them and by the Nadkarnis of the Province.

The *Camara* of Chandravaddi was elected by the Nadkarnis of the Province and Desais of the villages of Sheldem, Cusmane, Avedem, Cottombi, Shelvona and Assolda. Each village elected its representative and one Nadkarni.

The *Camara* of Canacona consisted of the following five communities : Poinguinim, Lcliem, Canacona and Nagorshem-Polem as a unit, Gaundongrem and Cola. Each community had a right to have two representatives and one Nadkarni was appointed by them alternately.

The *Camara* of Bicholim was constituted of seven Communities namely : Pale, Amona, Usgaum, Mahem, Surla, Cotombi and Pissurlem. Each community had two representatives and one of the representatives of the community of Pale acted as Nadkarni.

The *Camara* of Pernem consisted of sixteen representatives, six of them being elected by the community of Cassabe, two by the Nadkarnis and others by the communities of Corgaum, Parshem, Mandrem and Dargalim. One of the representatives elected by the Nadkarnis acted as clerk.

In 18th century, Cacora had no *Camara Geral* and the *Camara* of Sanquelim, still existed consisting of the communities of Caranzol, Campordem, Golaulim, Mahus, Onda and Poriem. The community of Mahem was not in the role of the members of the *Camara* of Bicholim and so also the community of Surla was not in the role of the *Camara* of Embarbarcem which was exclusively constituted of other communities above enumerated and those of Bamborbarcem, Sancordem and Codli.

In 1849 the Government ordered that each community would be represented by only one *gaunkar*, since the number of its representatives in the *Camaras Gerais* of the Novas Conquistas varied arbitrarily. These representatives would be elected annually on 15th December from amongst those who were qualified for the posts of *Acordados* for the management, in accordance with the *Portaria* of 21 st December of the said year.

The *Camaras Gerais* fought for the communities and vigorously opposed to the illegal administrative measures. Their members suffered vexations, persecutions and imprisonments because of the public causes for which they were fighting, they preferred to die than to yield.

Gradually, however, the *Camaras* became dormant, mere parasites of the communities since the able *gaunkars* gave up contesting the elections. In view of this, the *Junta Geral do Distrito* by its *Parecer* of 20th April, 1857 proposed their extinction and they were therefore, abolished.

The *Codigo das Comunidades*, 1933 established the *Conselho Comunal*, a advisory board attached to the *Administracoes das Comunidades* which had a very short life, due to its inability.

CHAPTER XXIV

"BOUS"

BOUS an association of the tillers of the *kajans* of the communities was for the protection of the paddy-fields against the saline waters.

These associations generally executed at their own cost, the works of *chonoi* (the stuffing of *bunds* with fresh muck), *tor* and *cupto* (their reinforcement with muck and meshed hay), the closure of the holes in the same *bunds* and replacement of the shutters of the sluice gates. In Jua, however, the *bous* had also to guard the fields whereas in Cundaim of Ponda it merely kept watch over the *bunds*, the expenses for which were borne by the community.

It is not known as to when the *bous* was instituted. It appears, however, to have been a very old association since the Tanadhar of Ilhas in his Report of 13th December, 1825 while referring to the period in which the lands of the communities were enjoyed by their allotment to the *vangods*, says that the tillers had a *bous* which defrayed all the expenses for the maintenance of the paddy-fields.

After the promulgation of the *Regulamento das Comunidades*, 1882, the *bous* was an association, compulsory for the tillers of

the *Kajans*. Anyone taking the *kajans* on lease, *ipso facto*, became its member, without any other formality. If the lessee should transfer his rights to a third party, the sub-lessee also became its member, the lessee being jointly and severally responsible for the inherent duties of the *bous*.

Each *kajan* had its *bous* and the matters common to all the *kajans* of a village, were dealt with by the *bous geral* formed by the tillers of all the *kajans*.

The *Kamat* and *paini* were the employees of the *bous*, the first one being selected amongst the *gaunkars* to supervise the works which the *bous* had to execute. The *paini* was the watchman of the *bund* and the accounts were maintained by the *kulcarni* of the village.

The rights and the duties of the members of the *bous* were recorded in a book named *caderno de obrigacoes*. This book was displayed in the hall of the community a few days before the lease auction of the paddy-fields, in order that the intending bidders may take note thereof.

All the members of a *bous* were duty bound to personally work for the repairs of the breaches on the *bunds* and to keep a watch over the works done. Besides, the *bous*, in the Velhas Conquistas, had to perform and finance some religious ceremonies (158).

The proceeds of the sale of the damaged and worn out wooden shutters of the sluice-gates, the rent of the remnants left after the subdivision of the paddy lands into plots and whatever else granted to the *bous* by the *Institutos Organicos*, was its income. The *Projecto do Regulamento das Comunidades*, 1879 also refers to the right of bringing the *bunds* under cultivation without payment of rent and of fishing (159). The community of Cundaim besides giving to the *bous* the right to the whole income from the extraordinary fishing and a half of the income from the sluice-gates, authorized its members to carry out fishing once a

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month on the new-moon day in the *purvals*, that is, in the drains that run on the inner side of the *bunds*. The community of Chorao gave them the right to cultivate *nashna* on the *bunds* and to enjoy the income from some paddy-fields.

The vestiges of the old custom of allotment of the produce of some fields for the expenses towards the *bunds* and other works, are still extant in the village of Quelossim. The paddy-field *Bundkajan* or *Bundkamat* pays *foro* to the community and has the obligation of defraying the expenses connected with the maintenance of the shutters of the sluice-gates, construction of the dams for the reservoir of water, dissilting of the rivulets and other similar works in this village.

The community of Betki of Ponda pays a fixed annual sum to the distributor of waters of paddy-fields and for the work of replacing the shutters of the sluice-gates.

The surplus of the deficit of the *bous* if any, was shared by its members at the end of the period for which the paddy-fields had been auctioned.

The plying of barges for the transport of mineral ore had compelled the revision of the whole system of protection of the *bunds* thus setting up technical cells and special funds to cover the increasing damages caused to the *bunds*. As such, the *Codigo das Comunidades*, 1961 abolished the *bous*. However the Governor General was empowered to establish such associations wherever they could function smoothly.

CHAPTER XXV

AMORTISATION

THE system of latifundia in mortmains came to be anachronic and the people were demanding the disintegration of large estates, lands for the tillers and the democratization of the ownership rights (160). As such, in the second half of the 19th century the Portuguese Government ordered a hunt-down of all the privileges and the restrictions on the right to free disposal of the lands of religious Orders and other associations.

On the tail of this legislation, effective from 1880, came the Law of Amortisation of the lands of the communities.

The preamble to this law justifying the reform states as follows:

— "The communities lost in course of time its characteristics and with it the advantages inherent to its old organization, yielding presently scarce results due to the dwindling of its properties brought about by successive and increasing land encroachments and to the progressive increase in the number of its members....The system adopted by the founders of these associations besides having rendered in the past important services to India, offers even to-day all the advantages of the associative spirit and hence it should be maintained so that its utilities may be in tune with the liberty of the land which

is one of the greatest conquest of the century, and with the interests of the national exchequer".

In this marshalling of ideas, the above Law ordered :

— All the communities should be convened to be heard about the convenience of amortisation.

— The estate of the communities which voted for amortization, would be subdivided into plots of half a hectare to two hectares, numbered, demarcated and evaluated.

— The fallow and deteriorated lands would be alienated by way of emphyteusis and the other lands would be sold through public auction.

— The lands of common use would be excluded from the sale and emphyteusis and would be common.

— All the acquirers of the plots would be, *ipso facto*, subject to the system which was followed by the communities in regard to the allotment of waters, maintenance of the *bunds* and the sluice gates, to the protection of the fields and of the harvest and to the other aspects concerned with the common benefits.

— The *foros*, the proceeds of the sale and other income would be invested and capitalized with due care and security and the interest would be apportioned amongst the members of the communities in accordance with the principles followed for the division of the annual surplus (161).

The above Law did not in any way deviate from the old customs since, it kept the assets of the communities safely capitalized to be enjoyed by the present and future generations of members. The communities would continue to enroll their members, to divide amongst them the interest of the common fund, to receive other income, to pay the customary pensions and to maintain all the benefits of an association for common welfare.

A few years later, the *Codigo das Comunidades*, 1904 authorized the sharing of the proceeds of the sale of the lands by the members of the communities, thus deviating from the old

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system. In the communities constituted exclusively by *accionistas* the above reforms made no difference. In the communities constituted of *gaunkars*, *kulachars*, *zonkars* and *vantels* however, the right which was enjoyed during an individual's life span, would now be perpetual. Besides, they who had no right to divide the lands of the communities, would be given the right to divide the proceeds of the sale of the same lands.

The door was thus opened for a summary seizure of the estates of the communities. The community of Orlim of Salsete was, however, the only one to request for the amortisation. The other communities refused to accept this tempting offer for over half a century that the law lasted, remaining faithful to the old customs and usages.

Fifty seven years later, the *Codigo das Comunidades*, 1961 revoked the right to amortisation and the Governor General was authorised to reconstitute the extinct communities and to create new ones wherever they did not exist (162).

CHAPTER XXVI

AN IDEAL

THE Portuguese Rulers did not always look upon the communities as mere faithful agents for the collection of imposts and *foros* nor as coffers left permanently at their disposal to meet the budgetary deficit. Two centuries and a half after the conquest, the Government realised their potential and decided to convert the communities into cooperatives predominantly of public interest, after having tackled the unemployment problem of the tillers which might result from a change in the Government policy. This would be done with no prejudice to the members of the communities but to their full benefit.

The Government thereafter protected the communities not as a token of gratitude for the valuable help rendered to them in their difficult moments nor for sentimental reasons but on account of their wide projection in the future.

Serra e Moura expressing this view, wrote as follows :

—“To raze to the ground that centuries old edifice with a hammer of destruction, is easy. But, to raise on its ruins a more perfect and better finished work, a work resulting in greater glory to the architect and greater advantage to the inhabitants of the villages, is a very difficult task”.

The lands of the communities offered work and assured

bread to the villagers and as such, no change in the prevailing economic policy was advisable (163). However, once the tillers were channelized to other fields of activity, these lands could have a new mode of exploitation. Large scale cultivation would be started, side by side with small scale industries connected with agriculture and thus, fresh benefits, social as well economic, would accrue to the members of the communities and to the tillers. The politicians of this country since long entertained this hope and caressingly hugged this dream.

One of them was Teixeira de Guimaraes who, in the preface to his *Projecto do Regulamento das Comunidades*, 1852, stated as follows:

— "I would desire that the activity of the communities should expand free from all restrictions and from the tutelage. I would like that it should be left to individual ability and to collective directorship the opportunity for tracing with a firm hand the route that would safely lead them to their welfare; it would be my ambition to see that the communities should have the sense of duty in order to guide themselves, illuminated by wisdom; I would be grateful if the cultivation of the lands of the communities should gain vigour and expand within the vast ambit which the full liberty offers" (164).

With this economic prospect in view, the Government decreed a series of measures that would serve as groundwork for great village cooperative societies. They removed obstacles and prepared the base in order that such a structure may rise smoothly and most naturally, from the economic progress and social evolution.

The communities were thus given the following rights:

— to opt in the sales of private lands which were contiguous to their own, with the view to facilitate the widening and unification of their fields;

— to utilize the required lands for experimental farms of new cultures and modern methods, for creation of artificial pasture and for allied industries;

— to acquire machines and agricultural implements for large

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scale cultivation wherever it was possible and advisable;

— to set apart plots of barren land for the construction of residential quarters;

— to promote nucleus of agricultural labourers through concession of plots and other facilities;

— to invest the Reserve Fund and other capital for the agricultural development and for setting up connected industries and animal husbandries;

— to establish insurance and other institutions of social assistance to the members of the communities and to the tillers of the respective village, agricultural banks in order to liberate the tillers from the greed of the local money lenders, and centres of agricultural training.

This ideal is no more.

THE END

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